

HOUSE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 361, 103, 156 &amp; 329

1 AN ACT

2 To repeal sections 250.140, 260.273, 319.125,  
3 319.127, 319.139, 393.015, 640.100, 640.115,  
4 640.605, 640.615, 640.620, 643.078, 644.016,  
5 644.051, and 644.052, RSMo, section 319.137  
6 as enacted by house committee substitute for  
7 senate substitute for senate bill no. 3,  
8 eighty-eighth general assembly, first regular  
9 session, and section 319.137 as enacted by  
10 house bill no. 251, eighty-eighth general  
11 assembly, first regular session, and to enact  
12 in lieu thereof fifty-six new sections  
13 relating to waste, with penalty provisions.

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
15 AS FOLLOWS:

16 Section A. Sections 250.140, 260.273, 319.125, 319.127,  
17 319.139, 393.015, 640.100, 640.115, 640.605, 640.615, 640.620,  
18 643.078, 644.016, 644.051, and 644.052, RSMo, section 319.137 as  
19 enacted by house committee substitute for senate substitute for  
20 senate bill no. 3, eighty-eighth general assembly, first regular  
21 session, and section 319.137 as enacted by house bill no. 251,  
22 eighty-eighth general assembly, first regular session, are

1 repealed and fifty-six new sections enacted in lieu thereof, to  
2 be known as sections 204.600, 204.605, 204.610, 204.615, 204.620,  
3 204.625, 204.630, 204.635, 204.640, 204.645, 204.650, 204.655,  
4 204.660, 204.665, 204.670, 204.675, 204.680, 204.685, 204.690,  
5 204.695, 204.700, 204.705, 204.710, 204.715, 204.720, 204.725,  
6 204.730, 204.735, 204.740, 204.745, 204.750, 204.755, 204.760,  
7 250.140, 260.219, 260.273, 319.125, 319.127, 319.137, 319.139,  
8 393.015, 393.018, 640.100, 640.115, 640.605, 640.615, 640.620,  
9 643.078, 644.016, 644.051, 644.052, 644.145, 644.581, 644.582,  
10 644.583, and 1, to read as follows:

11 204.600. Any common sewer district organized and existing  
12 pursuant to sections 204.250 to 204.270, and any sewer district  
13 organized and existing pursuant to chapter 249, RSMo, may be  
14 converted to a reorganized common sewer district pursuant to  
15 sections 204.600 to 204.700. In addition, a reorganized common  
16 sewer district may be established as provided for in sections  
17 204.600 to 204.700. Once established, a reorganized common sewer  
18 district shall have all powers and authority of and applicable to  
19 a common sewer district organized and existing pursuant to  
20 sections 204.250 to 204.270 and applicable to a sewer district  
21 established pursuant to chapter 249, RSMo, which are not  
22 inconsistent or in conflict with sections 204.600 to 204.700.

23 204.605. 1. Proceedings for the new formation of a  
24 reorganized common sewer district pursuant to sections 204.600 to  
25 204.700 shall be substantially as follows: a petition in

duplicate describing the proposed boundaries of the reorganized district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situated or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of acquiring or constructing sanitary sewer improvements with the district, if appropriate, an approximation of the assessed valuation of taxable property within the district, whether the board of trustees shall be elected or appointed by the county commission, and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or property owners within the proposed district and shall pray for the incorporation of the territory therein described into a reorganized common sewer district. The petition shall be verified by at least one of the signers thereof.

1        2. Upon the filing of the petition, the same shall be  
2        presented to the circuit court, and such court shall fix a date  
3        for a hearing on such petition, as herein provided for.  
4        Thereupon the clerk of the court shall give notice of the filing  
5        of the petition in a newspaper of general circulation in the  
6        county in which the proceedings are pending, and if the district  
7        extends into any other county or counties, such notice shall also  
8        be published in some newspaper of general circulation in such  
9        other county or counties. The notice shall contain a description  
10       of the proposed boundary lines of the district and the general  
11       purposes of the petition, and shall set forth the date fixed for  
12       the hearing on the petition, which shall not be less than fifteen  
13       nor more than twenty-one days after the date of the last  
14       publication of the notice and shall be on some regular judicial  
15       day of the court wherein the petition is pending. Such notice  
16       shall be signed by the clerk of the circuit court and shall be  
17       published in three successive issues of a weekly newspaper or in  
18       a daily paper once a week for three consecutive weeks.

19       3. The court, for good cause shown, may continue the case  
20       or the hearing thereon from time to time until final disposition  
21       thereof.

22       4. Exceptions to the formation of a district, or to the  
23       boundaries outlined in the petition for the incorporation  
24       thereof, may be made by any voter or property owner within the  
25       proposed district; provided, such exceptions are filed not less

1 than five days prior to the date set for the hearing on the  
2 petition. Such exceptions shall specify the grounds upon which  
3 the exceptions are being made. If any such exceptions be filed,  
4 the court shall take them into consideration in passing upon the  
5 petition and shall also consider the evidence in support of the  
6 petition and in support of the exceptions made. Should the court  
7 find that the petition should be granted but that changes should  
8 be made in the boundary lines, it shall make such changes in the  
9 boundary lines as set forth in the petition as the court may deem  
10 proper, and thereupon enter its decree of incorporation, with  
11 such boundaries as changed.

12 5. Should the court find that it would not be to the public  
13 interest to form such a district, the petition shall be dismissed  
14 at the costs of the petitioners. If, however, the court should  
15 find in favor of the formation of such district, the court shall  
16 enter its decree of incorporation, setting forth the boundaries  
17 of the proposed district as determined by the court under the  
18 hearing. The decree shall further contain an appointment of five  
19 voters from the district, to constitute the first board of  
20 trustees of the district. The court shall designate such  
21 trustees to staggered terms from one to five years such that one  
22 director is appointed or elected each year. The trustees thus  
23 appointed by the court shall serve for the terms thus designated  
24 and until their successors shall have been appointed or elected  
25 as provided in section 204.625. The decree shall further

1 designate the name of the district by which it shall be  
2 officially known.

3 6. The decree of incorporation shall not become final and  
4 conclusive until it shall have been submitted to the voters  
5 residing within the boundaries described in such decree and until  
6 it shall have been assented to by a majority of the voters as  
7 provided in subsection 9 of this section or by two-thirds of the  
8 voters of the district voting on the proposition. The decree  
9 shall provide for the submission of the question and shall fix  
10 the date thereof. The returns shall be certified by the judges  
11 and clerks of election to the circuit court having jurisdiction  
12 in the case and the court shall thereupon enter its order  
13 canvassing the returns and declaring the result of such election.

14 7. If a majority of the voters of the district voting on  
15 such proposition approve of the proposition, then the court  
16 shall, in such order declaring the result of the election, enter  
17 a further order declaring the decree of incorporation to be final  
18 and conclusive. In the event, however, that the court should  
19 find that the question had not been assented to by the majority  
20 required above, the court shall enter a further order declaring  
21 such decree of incorporation to be void and of no effect. No  
22 appeal shall lie from any such decree of incorporation nor from  
23 any of the aforesaid orders. In the event that the court  
24 declares the decree of incorporation to be final, as herein  
25 provided for, the clerk of the circuit court shall file certified

1 copies of such decree of incorporation and of such final order  
2 with the secretary of state, and with the recorder of deeds of  
3 the county or counties in which the district is situated and with  
4 the clerk of the county commission of the county or counties in  
5 which the district is situated.

6 8. The costs incurred in the formation of the district  
7 shall be taxed to the district, if the district be incorporated  
8 otherwise against the petitioners.

9 9. If petitioners seeking formation of a reorganized common  
10 sewer district specify in their petition that the district to be  
11 organized shall be organized without authority to issue general  
12 obligation bonds, then the decree relating to the formation of  
13 the district shall recite that the district shall not have  
14 authority to issue general obligation bonds and the vote required  
15 for such a decree of incorporation to become final and conclusive  
16 shall be a simple majority of the voters of the district voting  
17 on such proposition.

18 10. Once a reorganized sewer district is established, the  
19 boundaries of any reorganized sewer district may be extended or  
20 enlarged from time to time upon the filing, with the clerk of the  
21 circuit court having jurisdiction, a petition by either:

22 (1) The board of trustees of the reorganized sewer district  
23 and five or more voters within the territory proposed to be added  
24 to the district; or

25 (2) A majority of the landowners within the territory which

1 is proposed to be added to the reorganized sewer district.  
2 If the petition is filed by a majority of the landowners within  
3 the territory proposed to be added to the reorganized sewer  
4 district, the publication of notice shall not be required,  
5 provided notice is posted in three public places within the  
6 territory proposed to be added to the reorganized sewer district  
7 at least seven days before the date of the hearing and provided  
8 that there is sworn testimony by at least five landowners in the  
9 territory proposed to be added to the reorganized sewer district,  
10 or a majority of the landowners, if the total landowners in the  
11 area are fewer than ten. Otherwise the procedures for notice  
12 shall substantially follow those set out in this section, for  
13 formation. Territory proposed to be added to the reorganized  
14 sewer district may either be contiguous or reasonably close to  
15 the boundaries of the existing district. Upon the entry of a  
16 final judgment declaring the court's decree of territory proposed  
17 to be added to the reorganized sewer district to be final and  
18 conclusive, the court shall modify or rearrange the boundary  
19 lines of the reorganized sewer district as may be necessary or  
20 advisable. The costs incurred in the enlargement or extension of  
21 the district shall be taxed to the district, if the district be  
22 enlarged or extended, otherwise against the petitioners;  
23 provided, however, that no costs shall be taxed to the trustees  
24 of the district.

25 11. Should any property owner or property owners who own



1 real estate that is not within another sewer district organized  
2 pursuant to this chapter, chapters 247 and 249, RSMo, or pursuant  
3 to the state constitution, but that is contiguous or reasonably  
4 close to the existing boundaries of the reorganized sewer  
5 district, desire to have such real estate incorporated in the  
6 district, the property owner shall first petition the board of  
7 trustees thereof for its approval. If such approval be granted,  
8 the secretary of the board shall endorse a certificate of the  
9 fact of approval by the board upon the petition. The petition so  
10 endorsed shall be filed with the clerk of the circuit court in  
11 which the reorganized sewer district is incorporated. It shall  
12 then be the duty of the court to amend the boundaries of such  
13 district by a decree incorporating the real estate in the same.  
14 A certified copy of this amended decree including the real estate  
15 in the district shall then be filed in the office of the recorder  
16 and in the office of the county clerk of the county in which the  
17 real estate is located, and in the office of the secretary of  
18 state. The costs of this proceeding shall be borne by the  
19 petitioning property owner.

20 12. The board of trustees of any reorganized common sewer  
21 district may petition the circuit court of the county containing  
22 the majority of the acreage in the district for an amended decree  
23 of incorporation to allow that district to engage in the  
24 construction, maintenance and operation of water supply and  
25 distribution facilities which serve ten or more separate

1 properties which are located wholly within the district and are  
2 not served by another political subdivision or are not located  
3 within the certificated area of a water corporation as defined in  
4 chapter 386, RSMo, or within a public water supply district as  
5 defined in chapter 247, RSMo, and the operation and maintenance  
6 of all such existing water supply facilities. The petition shall  
7 be filed by the board of trustees and all proceedings shall be in  
8 substantially the same manner as in action for initial formation  
9 of a reorganized common sewer district except that no vote of the  
10 residents of the district shall be required. All applicable  
11 provisions of this chapter shall apply to the construction,  
12 operation and maintenance of water supply facilities in the same  
13 manner as they apply to like functions relating to sewer  
14 treatment facilities.

15 204.610. 1. Any existing common sewer district organized  
16 and existing pursuant to sections 204.250 to 204.270 and any  
17 sewer district organized and existing pursuant to chapter 249,  
18 RSMo, may establish itself as a reorganized common sewer district  
19 pursuant to sections 204.600 to 204.700 by petitioning the  
20 circuit court of the county in which it was established to  
21 approve its reorganization pursuant to sections 204.600 to  
22 204.700 if the governing body of the district has by resolution  
23 determined that it is in the best interest of the district to  
24 reorganize pursuant to sections 204.600 to 204.700. Such  
25 petition shall also specify whether the board of trustees shall

1 be appointed by the governing body of the county, or elected by  
2 the voters of the district. Such petition shall be accompanied  
3 by a cash deposit of fifty dollars as an advancement of the costs  
4 of the proceeding, and the petition shall be signed by the  
5 trustees of the district and shall pray for the conversion of the  
6 district into a reorganized common sewer district.

7 2. Upon the filing of the petition, the same shall be  
8 presented to the circuit court, and such court shall fix a date  
9 for a hearing on such petition, as herein provided for.  
10 Thereupon the clerk of the court shall give notice of the filing  
11 of the petition in a newspaper of general circulation within the  
12 existing district or closest to the existing district if there is  
13 no newspaper of general circulation within the existing district  
14 and if the existing district extends into any other county or  
15 counties, such notice shall also be published in some newspaper  
16 of general circulation in such other county or counties. The  
17 notice shall contain a description of the boundary lines of the  
18 existing district and the general purposes of the petition, and  
19 shall set forth the date fixed for the hearing on the petition,  
20 which shall not be less than fifteen nor more than twenty-one  
21 days after the date of the last publication of the notice and  
22 shall be on some regular judicial day of the court wherein the  
23 petition is pending. Such notice shall be signed by the clerk of  
24 the circuit court and shall be published in three successive  
25 issues of a weekly newspaper or in a daily paper once a week for

1 three consecutive weeks.

2 3. The court, for good cause shown, may continue the case  
3 or the hearing thereon from time to time until final disposition  
4 thereof.

5 4. Exceptions to the conversion of an existing district to  
6 a reorganized common sewer district, may be made by any voter or  
7 property owner within the proposed district; provided, such  
8 exceptions are filed not less than five days prior to the date  
9 set for the hearing on the petition. Such exceptions shall  
10 specify the grounds upon which the exceptions are being made. If  
11 any such exceptions be filed, the court shall take them into  
12 consideration in passing upon the petition and shall also  
13 consider the evidence in support of the petition and in support  
14 of the exceptions made. Should the court find that it would not  
15 be in the public interest to form such a district, the petition  
16 shall be dismissed at the costs of the petitioners. If the court  
17 finds that the conversion of the district to a reorganized common  
18 sewer district pursuant to sections 204.600 to 204.700 is in the  
19 best interests of the persons served by the existing district,  
20 then the court shall order the district's decree of incorporation  
21 amended to permit reorganization pursuant to sections 204.600 to  
22 204.700 and the existing board of trustees for such district  
23 shall continue to serve the reorganized common sewer district  
24 until such time as new trustees shall be appointed or elected as  
25 provided for in the court's decree. If their original terms of

1 office are not so designated, the court shall designate such  
2 trustees to staggered terms from one to five years such that one  
3 trustee is appointed or elected each year. The trustees thus  
4 appointed by the court shall serve for the terms thus designated  
5 and until their successors shall have been appointed or elected  
6 as provided in section 204.625. The decree shall further  
7 designate the name of the district by which it shall be  
8 officially known.

9 204.615. The bonded indebtedness or security interest of  
10 any creditor of any common sewer district originally organized  
11 and existing pursuant to sections 204.250 to 204.270 and any  
12 sewer district originally organized and existing pursuant to  
13 chapter 249, RSMo, which convert to a reorganized common sewer  
14 district shall not be impaired or affected by such conversion and  
15 all covenants and obligations of such indebtedness shall remain  
16 in full force and effect payable pursuant to the terms and  
17 conditions which existed without conversion.

18 204.620. 1. When a decree or amended decree of  
19 incorporation is issued as provided for in sections 204.600 to  
20 204.700, a reorganized common sewer district shall be considered  
21 in law and equity a body corporate and politic and political  
22 subdivision of this state, known by the name specified in the  
23 court's decree, and by that name and style may sue and be sued,  
24 contract and be contracted with, acquire and hold real estate and  
25 personal property necessary for corporate purposes, and adopt a

1 common seal. A reorganized common sewer district also shall have  
2 exclusive jurisdiction and authority to provide wastewater  
3 collection and treatment services within the boundaries of the  
4 district with respect to any wastewater service provider  
5 authorized to provide sewer services pursuant to the laws of this  
6 state.

7 2. All courts in this state shall take judicial notice of  
8 the existence of any district organized pursuant to sections  
9 204.600 to 204.700.

10 204.625. 1. There shall be five trustees, appointed or  
11 elected as provided for in the circuit court decree or amended  
12 decree of incorporation for a reorganized common sewer district,  
13 who shall reside within the boundaries of the district. Each  
14 trustee shall be a voter of the district and shall have resided  
15 in said district one whole year immediately prior to his/her  
16 election or appointment. A trustee shall be at least twenty-five  
17 years of age and shall not be delinquent in the payment of taxes  
18 at the time of his or her election or appointment. Regardless of  
19 whether or not the trustees are elected or appointed, in the  
20 event the district extends into any county bordering the county  
21 in which the greater portion of the district lies, the presiding  
22 commissioner or other chief executive officer of the adjoining  
23 county shall be an additional member of the board of trustees, or  
24 the governing body of such bordering county may appoint a citizen  
25 from such county to serve as an additional member of the board of

1 trustees. Said additional trustee shall meet the qualifications  
2 set forth above for a trustee.

3 2. The trustees shall receive no compensation for their  
4 services, but may be compensated for their reasonable expenses  
5 normally incurred in the performance of their duties. The board  
6 of trustees may employ and fix the compensation of such staff as  
7 may be necessary to discharge the business and purposes of the  
8 district, including clerks, attorneys, administrative assistants,  
9 and any other necessary personnel. The board of trustees may  
10 employ and fix the duties and compensation of an administrator  
11 for the district. The administrator shall be the chief executive  
12 officer of the district subject to the supervision and direction  
13 of the board of trustees. The administrator of the district may,  
14 with the approval of the board of trustees, retain consulting  
15 engineers for the district under such terms and conditions as may  
16 be necessary to discharge the business and purposes of the  
17 district.

18 3. Except as provided in subsection 1 of this section, the  
19 term of office of a trustee shall be five years. The remaining  
20 trustees shall appoint a person qualified pursuant to this  
21 section to fill any vacancy on the board. The initial trustees  
22 appointed by the circuit court shall serve until the immediately  
23 following first Tuesday after the first Monday in June or until  
24 the immediately following first Tuesday after the first Monday in  
25 April, depending upon the resolution of the trustees. In the

1 event that the trustees are elected, said elections shall be  
2 conducted by the appropriate election authority pursuant to  
3 chapter 115, RSMo. Otherwise, trustees shall be appointed by the  
4 county commission in accordance with the qualifications set forth  
5 in subsection 1 of this section.

6 4. Notwithstanding any other provision of law, if there is  
7 only one candidate for the post of trustee, then no election  
8 shall be held, and the candidate shall assume the  
9 responsibilities of office at the same time and in the same  
10 manner as if elected. If there is no candidate for the post of  
11 trustee, then no election shall be held for that post and it  
12 shall be considered vacant, to be filled pursuant to the  
13 provisions of subsection 3 of this section.

14 204.630. The board of trustees of a reorganized common  
15 sewer district shall have no power to levy or collect any taxes  
16 for the payment of any general obligation bond indebtedness  
17 incurred by the reorganized common sewer district unless and  
18 until the voters of the reorganized common sewer district shall  
19 have authorized the incurring of indebtedness at an election.  
20 All expenses and indebtedness incurred by the reorganized common  
21 sewer district may be paid out of funds which may be received by  
22 the reorganized common sewer district from the sale of bonds  
23 authorized by the voters of the reorganized common sewer  
24 district.

25 204.635. 1. The total amount of any general obligation



1 bonds issued by the reorganized common sewer district shall not  
2 exceed ten percent of the assessed valuation of all taxable  
3 tangible property, as shown by the last completed property  
4 assessment for state or local purposes, within the reorganized  
5 common sewer district.

6 2. Such bonds shall be signed by the president of the board  
7 of trustees and attested by the signature of the secretary of the  
8 board of trustees with the seal of the district affixed thereto,  
9 if there be a seal. The interest coupons may be executed by  
10 affixing thereon the facsimile signature of the secretary of the  
11 district. The bonds may be sold under the same conditions as are  
12 provided for the sale of county road bonds.

13 3. All general obligation bonds issued pursuant to sections  
14 204.600 to 204.700 shall be registered in the office of the state  
15 auditor as provided by law for the registration of bonds of  
16 cities and in the office of the secretary of the board of  
17 trustees of the district in a book kept for that purpose for  
18 registry, shall show the number, date, amount, date of sale, name  
19 of the purchaser, and the amount for which the bond was sold.  
20 The moneys of the reorganized common sewer district shall be  
21 deposited by the treasurer of the reorganized common sewer  
22 district in such bank or banks as shall be designated by order of  
23 the board of trustees and the secretary of the reorganized common  
24 sewer district shall charge the treasurer therewith and the  
25 moneys shall be drawn from the treasury upon checks or warrants

1 issued by the reorganized common sewer district for the purposes  
2 for which the bonds were issued.

3 204.640. 1. The board of trustees of any reorganized  
4 common sewer district shall have power to pass all necessary  
5 rules and regulations for the proper management and conduct of  
6 the business of the board of trustees, and of the district, and  
7 for carrying into effect the objects for which the reorganized  
8 common sewer district is formed.

9 2. The board of trustees of a reorganized common sewer  
10 district, subject to compliance with the exercise of lawful  
11 authority granted to or rules adopted by the clean water  
12 commission pursuant to section 644.026, RSMo, may exercise  
13 primary authority to adopt, modify, and repeal, and to administer  
14 and enforce rules and regulations with respect to:

15 (1) The establishment, construction, reconstruction,  
16 improvement, repair, operation, and maintenance of its sewer  
17 systems and treatment facilities;

18 (2) Industrial users discharging into its sewer systems or  
19 treatment facilities;

20 (3) The establishment, operation, administration, and  
21 enforcement of a publicly owned treatment works pretreatment  
22 program consistent with state and federal pretreatment standards,  
23 including inspection, monitoring, sampling, permitting, and  
24 reporting programs and activities.

25 The board of trustees may, in addition to any pretreatment

1 standards imposed pursuant to this section, require of any user  
2 of its treatment facilities such other pretreatment of industrial  
3 wastes as it deems necessary to adequately treat such wastes.

4 3. The rules and regulations adopted by the board of  
5 trustees pursuant to subsection 2 of this section shall be  
6 applicable, and enforceable by civil, administrative or other  
7 actions within any territory served by its sewer systems or  
8 treatment facilities and against any municipality, subdistrict,  
9 district, or industrial user who shall directly or indirectly  
10 discharge sewage or permit discharge of sewage into the  
11 district's sewer system or treatment facilities.

12 4. The authority granted to the board by this section is in  
13 addition to and not in derogation of any other authority granted  
14 pursuant to the constitution and laws of Missouri, any federal  
15 water pollution control act, or the rules of any agency of  
16 federal or state government.

17 5. The term "industrial user", as used in this section  
18 shall mean any nondomestic source of discharge or indirect  
19 discharge into the district's wastewater system which is  
20 regulated pursuant to section 307(b), (c), or (d) of the Clean  
21 Water Act, or any source listed in division A, B, D, E, or I of  
22 the Standard Industrial Classification Manual, or any solid waste  
23 disposal operation such as, but not limited to, landfills,  
24 recycling facilities, solid or hazardous waste handling or  
25 disposal facilities, and facilities which store or treat aqueous

1 wastes as generated by facilities not located on site and which  
2 dispose of these wastes by discharging them into the district's  
3 wastewater system.

4 204.645. 1. It shall be the duty of the board of trustees  
5 of a reorganized common sewer district to make the necessary  
6 surveys, and to lay out and define the general plan for the  
7 construction and acquisition of land, rights-of-way and necessary  
8 sewers and treatment facilities and of any extensions,  
9 expansions, or improvements thereof within the district.

10 2. The board of trustees of a reorganized common sewer  
11 district may enter into agreements with each municipality,  
12 subdistrict, private district, or any industrial user which  
13 discharges sewage into trunk sewers, streams, or the treatment  
14 facilities of the reorganized common sewer district concerning  
15 the locations and the manner in which sewage may be discharged  
16 into the district system or streams within the district and  
17 concerning the permissible content of acid wastes, alkaline  
18 wastes, poisonous wastes, oils, grit, or other wastes which might  
19 be hazardous or detrimental to the system. If no agreement is  
20 obtained with regard to any such matter the trustees shall refer  
21 the dispute to the clean water commission and the determination  
22 of the commission shall be binding upon the district,  
23 municipality, subdistrict, or private district. Each  
24 municipality, subdistrict, or private district shall control the  
25 discharge of wastes into its collection sewers to the extent

1 necessary to comply with the agreement or the determination of  
2 the clean water commission. The board of trustees of a  
3 reorganized common sewer district or the governing body of any  
4 municipality, subdistrict, private district, or industrial user  
5 discharging sewage into the stream or the system may petition the  
6 circuit court which decreed the incorporation of the district for  
7 an order enforcing compliance with any provision of such an  
8 agreement or determination, and that circuit court shall have  
9 jurisdiction in all cases or questions arising out of the  
10 organization or operations of the district, or from the acts of  
11 the board of trustees.

12 3. The board of trustees may contract with each  
13 participating community for the payment of its proportionate  
14 share of treatment costs.

15 4. The board of trustees may contract with public agencies,  
16 individuals, private corporations, and political subdivisions,  
17 inside and outside the reorganized common sewer district to  
18 permit them to connect with and use the district's facilities  
19 according to such terms, conditions, and rates as the board  
20 determines are in the interest of the district and regardless of  
21 whether such agencies, individuals, corporations, and  
22 subdivisions are in the same natural drainage area or basins as  
23 the district. However, if such an area is located within the  
24 boundaries of an existing common sewer district or reorganized  
25 common sewer district organized and existing pursuant to this

1 chapter, a sewer district organized and existing pursuant to  
2 chapter 249, RSMo, or a public water supply district organized  
3 pursuant to chapter 247, RSMo, the board of trustees must give  
4 written notice to said district before such a contract is entered  
5 into, and the district must consent to said contract.

6 5. The board of trustees may refuse to receive any wastes  
7 into the sewage system which do not meet relevant state or  
8 federal water pollution, solid waste, or pretreatment standards.

9 6. The board of trustees shall have all of the powers  
10 necessary and convenient to provide for the operation,  
11 maintenance, administration, and regulation, including the  
12 adoption of rules and regulations, of any individual home sewage  
13 or business treatment systems within the jurisdiction of the  
14 common sewer district. The board of trustees shall have the  
15 authority to declare the violation of any of its rules and  
16 regulations to be a misdemeanor punishable as provided by law, or  
17 to declare violation of any of its rules and regulations  
18 punishable by imposition of a civil fine not to exceed one  
19 thousand dollars per day payable to the common sewer district, in  
20 addition to any other civil remedy which may be available at law  
21 or in equity.

22 7. The board of trustees shall have all of the powers  
23 necessary and convenient to provide for the operation and  
24 maintenance of its treatment facilities and the administration,  
25 regulation, and enforcement of its pretreatment program,

1 including the adoption of rules and regulations, to carry out its  
2 powers with respect to all municipalities, subdistricts,  
3 districts, and industrial users which discharge into the  
4 collection system of the district's sewer system or treatment  
5 facilities. These powers include, but are not limited to:

6 (1) The promulgation of any rule, regulation, or ordinance;

7 (2) The issuance, modification, or revocation of any order;

8 (3) The issuance, modification, or revocation of any  
9 permit;

10 (4) The levying of a civil administrative fine upon any  
11 industrial user in violation of the district's rules,  
12 regulations, and ordinances, or any permit or order issued  
13 thereunder, in an amount not to exceed one thousand dollars per  
14 violation per day;

15 (5) Commencing an action through counsel for appropriate  
16 legal or equitable relief in the circuit court which decreed the  
17 district's incorporation against any industrial user in violation  
18 of the district's rules, regulations, and ordinances or any  
19 permit or order issued thereunder; and

20 (6) Petitioning the prosecutor for the county in which any  
21 criminal violation of the district's rules, regulations,  
22 ordinances, or any permit or order issued thereunder has occurred  
23 to institute criminal proceedings.

24 8. The board of trustees may adopt rules and regulations  
25 creating procedural remedies for all persons affected by any

1 order or permit issued, modified, or revoked or any fine or  
2 penalty levied by the board including but not limited to the  
3 grant of reasonable time periods for such persons to respond, to  
4 show cause, and to request reconsideration of fines or penalties  
5 levied.

6 9. Any person who knowingly makes any false statements,  
7 representations, or certifications in any application, record,  
8 report, plan, or other document filed or required to be  
9 maintained pursuant to the district's rules, regulations,  
10 ordinances, or wastewater permit, or who falsifies, tampers with,  
11 or knowingly renders inaccurate any monitoring device or method  
12 required under the district's rules, regulations, or ordinances  
13 shall be fined not more than one thousand dollars per violation  
14 per day. In the event of a second violation, the person shall be  
15 fined not to exceed three thousand dollars per violation per day.  
16 Third or subsequent violations of this subsection are punishable  
17 as a class D felony.

18 10. Whenever any reference is made in this section to any  
19 action that may be taken by the board of trustees, such reference  
20 includes such action by its executive officer pursuant to powers  
21 and duties delegated to such executive officer by the board of  
22 trustees.

23 204.650. 1. The board of trustees may acquire by purchase,  
24 gift, or condemnation or may lease or rent any real or personal  
25 property and when condemnation is used shall follow the procedure



1 that is provided by chapter 523, RSMo. All the powers may be  
2 exercised both within or without the district as may be necessary  
3 for the exercise of its powers or the accomplishment of its  
4 purposes. The board of trustees shall also have the same  
5 authority to enter upon private lands to survey land or other  
6 property before exercise of the above condemnation powers as is  
7 granted pursuant to section 388.210, RSMo, to railroad  
8 corporations.

9 2. The board of trustees of the reorganized common sewer  
10 district, if it is necessary to cross, follow, or traverse public  
11 streets, roads, or alleys, or grounds held or used as public  
12 parks or places, shall have the right to do so upon the following  
13 conditions: The board of trustees shall file with the county  
14 commission or mayor of the municipality having immediate  
15 jurisdiction over the street, road, alley, or public park or  
16 place, a map showing the location and extent of the proposed  
17 occupancy for sewerage purposes and a plan of the proposed  
18 facilities, which plan shall be so made and arranged as not to  
19 interfere with the ordinary and lawful use of the street, road,  
20 alley, public park, or place, except during a reasonable time for  
21 the construction of the necessary works.

22 3. The entire expense of the works and restoration of the  
23 ground occupied to its former condition, as near as may be, shall  
24 be borne by the reorganized common sewer district.

25 204.655. 1. The board of trustees for the reorganized

1 common sewer district shall let contracts for all work to be  
2 done, excepting in case of repairs or emergencies requiring  
3 prompt attention, in the construction of sewers and sewage  
4 treatment plants, the expense of which will exceed twenty-five  
5 thousand dollars, to the lowest responsible bidder therefor, upon  
6 not less than twenty days' notice of the letting, given by  
7 publication in a newspaper of general circulation in the  
8 district. The board shall have the power and authority to reject  
9 any and all bids and readvertise the work.

10 2. The board of trustees shall also have the power to enter  
11 into agreements with persons, firms for providing professional  
12 services required of the board and the board shall adopt policies  
13 for procuring the services of such professionals. The provisions  
14 of sections 8.285 to 8.291, RSMo, shall be applicable to the  
15 services of architects, engineers and land surveyors unless the  
16 board of trustees adopts a formal procedure for the procurement  
17 of such services.

18 204.660. The cost of any reorganized common sewer district  
19 of acquiring, constructing, improving or extending a sewerage  
20 system may be met:

21 (1) Through the expenditures by the common sewer district  
22 of any funds available for that purpose, including temporary or  
23 interim financing funds obtained through any federal or state  
24 loan program or from a local lending institution;

25 (2) From any other funds which may be obtained pursuant to

1 any law of the state or of the United States or from any county  
2 or municipality for that purpose; or

3 (3) From the proceeds of revenue bonds of the common sewer  
4 district, payable solely from the revenues to be derived from the  
5 operation of such sewerage system or from any combination of all  
6 the methods of providing funds.

7 (4) From the proceeds of general obligation bonds of the  
8 reorganized common sewer district, payable solely from voter  
9 approved property taxes as provided for by law.

10 (5) From the proceeds of special obligation bonds of the  
11 reorganized common sewer district, payable solely from special  
12 fees or other revenues received by the district pledged for the  
13 purposes of payment of such bonds.

14 (6) From the proceeds of user fees, charges, or other  
15 imposition for facilities and services provided by the district  
16 to its customers and users or the availability of services  
17 provided to persons, users, and customers within the district or  
18 who otherwise benefit from services provided by the district.

19 204.665. 1. A reorganized common sewer district may issue  
20 general or special revenue bonds authorized by authority of a  
21 resolution adopted by the board of trustees of the reorganized  
22 common sewer district unless in addition thereto the decree or  
23 amended decree of incorporation shall require any such bonds to  
24 be approved by the voters of the district after election called  
25 for that purpose. The resolution shall recite that an estimate

1 of the cost of the proposed acquisition, construction,  
2 improvement, extension or other project has been made and shall  
3 set out the estimated cost; it shall set out the amount of the  
4 bonds proposed to be issued, their purposes, their dates,  
5 denominations, rates of interest, times of payment, both of  
6 principal and of interest, places of payment, and all other  
7 details in connection with the bonds.

8 2. The bonds may be subject to such provision for  
9 redemption prior to maturity, with or without premium, and at  
10 such times and upon such conditions as may be provided by the  
11 board of trustees of the common sewer district.

12 3. The bonds shall bear interest at a rate in accordance  
13 with section 108.170, RSMo, and shall mature over a period not  
14 exceeding thirty-five years from the date thereof.

15 4. The bonds may be payable to bearer, may be registered or  
16 coupon bonds, and if payable to bearer may contain such  
17 registration privileges as to either principal and interest, or  
18 principal only, as may be provided in the resolution authorizing  
19 the bonds.

20 5. The bonds and the coupons to be attached thereto, if  
21 any, shall be signed in such manner and by such officers as may  
22 be directed by resolution. Bonds signed by an officer who shall  
23 hold the office at the time the bonds are signed shall be deemed  
24 validly and effectually signed for all purposes, regardless of  
25 whether or not any officer shall cease to hold his office prior

1 to the delivery of the bonds and regardless of whether or not any  
2 officer shall have held or shall not have held such office on the  
3 date ascribed to the bonds.

4 6. The bonds shall be sold in such manner and upon such  
5 terms as the board of trustees of the reorganized common sewer  
6 district shall determine, but the bonds shall not be sold for  
7 less than ninety cents on the dollar nor shall they be sold at  
8 such a price that the interest cost upon the actual proceeds of  
9 the bonds from the date thereof to their maturity shall exceed a  
10 rate in accordance with section 108.170, RSMo. The resolution  
11 may provide that certain bonds authorized thereby shall be junior  
12 or subordinate in any or all respects to other revenue bonds  
13 authorized concurrently therewith or prior to or after such  
14 bonds.

15 204.670. Any user fees or charges, connection fees, or  
16 other charges levied by the reorganized common sewer district for  
17 purposes of funding its general or special operations,  
18 maintenance, or payment of bonded indebtedness or other  
19 indebtedness shall be due at such time or times as specified by  
20 the reorganized common sewer district, and shall, if not paid by  
21 the due date, become delinquent and shall bear interest from the  
22 date of delinquency until paid. In addition to and consistent  
23 with any other provision of applicable law, if such fees or  
24 charges or other amounts due become delinquent, they shall be a  
25 lien upon the land charged, upon the reorganized common sewer

1 district filing with the recorder of deeds in the county where  
2 the land is situated a notice of delinquency. The reorganized  
3 common sewer district shall file with the recorder of deeds a  
4 similar notice of satisfaction of debt when the delinquent  
5 amounts, plus interest and any recording fees or attorneys' fees,  
6 have been paid in full. The lien hereby created may be enforced  
7 by foreclosure by power of sale hereby vested in the reorganized  
8 common district if the reorganized common sewer district adopts  
9 written rules for the exercise of power of sale consistent with  
10 the provisions of sections 443.290 to 443.325, RSMo, which are  
11 recorded in the land records of the office of the recorder of  
12 deeds in each county in which the district is located; otherwise  
13 such lien shall be enforced by suit in the circuit court having  
14 jurisdiction against the property subject to the lien for  
15 judicial foreclosure and sale by special execution; such suit may  
16 include a request for judgment against the persons responsible  
17 for payment of such delinquency as well as the person or persons  
18 owning the property to which services were provided, if  
19 different, including post-sale deficiency, and as a part of the  
20 relief, may include award of the district's reasonable attorney's  
21 fees, court costs and other expenses reasonably incurred by the  
22 district for collection.

23 204.675. It shall be the mandatory duty of any reorganized  
24 common sewer district which shall issue any general or special  
25 revenue bonds pursuant to sections 204.600 to 204.700:

1       (1) To fix and maintain rates and make and collect charges  
2 for the use and services of the system, for the benefit of which  
3 revenue bonds were issued, sufficient to pay the cost of  
4 maintenance and operation thereof;

5       (2) To pay the principal of and the interest on all revenue  
6 bonds issued by the reorganized common sewer district chargeable  
7 to the revenues of the system; and

8       (3) To provide funds ample to meet all valid and reasonable  
9 requirements of the resolution by which the revenue bonds have  
10 been issued.

11 The rates shall be from time to time revised so as fully to meet  
12 the requirements of sections 204.600 to 204.700. As long as any  
13 bond so issued or the interest thereon shall remain outstanding  
14 and unpaid, rates and charges sufficient to meet the requirements  
15 of this section shall be maintained and collected by the  
16 reorganized common sewer district which issued the bonds.

17       204.680. 1. Whenever any reorganized common sewer district  
18 authorizes and issues revenue bonds pursuant to sections 204.600  
19 to 204.700, an amount sufficient for the purpose of the net  
20 revenues of the sewerage system for the benefit of which the  
21 bonds are issued shall, by operation of sections 204.600 to  
22 204.700, be pledged to the payment of the principal of and the  
23 interest on the bonds as the same shall mature and accrue.

24       2. The term "net revenues" shall be construed to mean all  
25 income and revenues derived from the ownership and operation of

1 the system less the actual and necessary expenses of operation  
2 and maintenance of the system.

3 3. It shall be the mandatory duty of the treasurer of the  
4 reorganized common sewer district to provide for the prompt  
5 payment of the principal and interest on any revenue bonds as  
6 they mature and accrue.

7 204.685. 1. The resolution of the board of trustees of the  
8 reorganized common sewer district authorizing the issuance of  
9 revenue bonds pursuant to the authority of sections 204.600 to  
10 204.700 may provide that periodic allocations of the revenues to  
11 be derived from the operation of the system for the benefit of  
12 which the bonds are issued shall be made into such accounts,  
13 separate and apart from any other accounts of the district, as  
14 shall be deemed to be advisable to assure the proper operation  
15 and maintenance of the system and the prompt payment of the  
16 indebtedness chargeable to the revenues of the system. The  
17 accounts may include, but shall not be limited to:

18 (1) An account for the purpose of providing funds for the  
19 operation and maintenance of the system;

20 (2) An account to provide funds for the payment of the  
21 bonds as to principal and interest as they come due;

22 (3) An account to provide an adequate reserve for  
23 depreciation, to be expended for replacements of the system;

24 (4) An account for the accumulation of a reserve to assure  
25 the prompt payment of the bonds and the interest thereon whenever



1 and to the extent that other funds are not available for the  
2 purpose;

3 (5) An account to provide funds for contingent expenses in  
4 the operation of the system;

5 (6) An account to provide for the accumulation of funds for  
6 the construction of extensions and improvements to the system;  
7 and

8 (7) Such other accounts as may be desirable in the judgment  
9 of the board of trustees.

10 2. The resolution may also establish such limitations as  
11 may be expedient upon the issuance of additional bonds, payable  
12 from the revenues of the system, or upon the rights of the  
13 holders of such additional bonds. Such resolution may include  
14 other agreements with the holders of the bonds or covenants or  
15 restrictions necessary or desirable to safeguard the interests of  
16 the bondholder and to secure the payment of the bonds and the  
17 interest thereon.

18 204.690. For the purpose of refunding, extending and  
19 unifying the whole or any part of any valid outstanding bonded  
20 indebtedness payable from the revenues of a sewerage system, any  
21 reorganized common sewer district may issue refunding bonds not  
22 exceeding in amount the principal of the outstanding indebtedness  
23 to be refunded and the accrued interest to the date of the  
24 refunding bonds. The board of trustees of the reorganized common  
25 sewer district shall provide for the payment of interest at not

1 to exceed the same rate and the principal of the refunding bonds  
2 in the same manner and from the same source as was provided for  
3 the payment of interest on and principal of the bonds to be  
4 refunded.

5 204.695. The board of trustees of the reorganized common  
6 sewer district may apply for and accept grants or funds, material  
7 or labor, from the state and federal government, or any  
8 departments thereof, in the construction of a sewerage system as  
9 provided by sections 204.600 to 204.700, and may enter into such  
10 agreements as may be required of the state or federal laws, or  
11 the rules and regulations of any federal or state department, to  
12 which the application is made, and where the assistance is  
13 granted.

14 204.700. It is hereby made the duty of the mayors of  
15 cities, the circuit court, the governing bodies of counties, all  
16 political subdivisions and all assessors, sheriffs, collectors,  
17 treasurers and other officials in the state of Missouri to do and  
18 perform all the acts and to render all the services necessary to  
19 carry out the purposes of sections 204.600 to 204.700.

20 204.705. Sections 204.705 to 204.755 shall be known and may  
21 be cited as the "Sanitary Sewer Improvement Area Act", and the  
22 following words and terms, as used in these sections, mean:

23 (1) "Acquire", the acquisition of property or interests in  
24 property by purchase, gift, condemnation or other lawful means  
25 and may include the acquisition of existing property and

1 improvements already owned by the district;

2 (2) "Assess" or "assessment", a unit of measure to allocate  
3 the cost of an improvement among property or properties within a  
4 sanitary sewer improvement area based upon an equitable method of  
5 determining benefits to any such property resulting from an  
6 improvement;

7 (3) "Consultant", engineers, architects, planners,  
8 attorneys, financial advisors, accountants, investment bankers  
9 and other persons deemed competent to advise and assist the  
10 governing body of the district in planning and making  
11 improvements;

12 (4) "Cost", all costs incurred in connection with an  
13 improvement, including, but not limited to, costs incurred for  
14 the preparation of preliminary reports, preparation of plans and  
15 specifications, preparation and publication of notices of  
16 hearings, resolutions, ordinances and other proceedings, fees and  
17 expenses of consultants, interest accrued on borrowed money  
18 during the period of construction, underwriting costs and other  
19 costs incurred in connection with the issuance of bonds or notes,  
20 establishment of reasonably required reserve funds for bonds or  
21 notes, the cost of land, materials, labor and other lawful  
22 expenses incurred in planning, acquiring and doing any  
23 improvement, reasonable construction contingencies, and work done  
24 or services performed by the district in the administration and  
25 supervision of the improvement;

1       (5) "District" or "common sewer district", any public  
2       sanitary sewer district or reorganized common sewer district  
3       established and existing pursuant to this chapter or chapter 249,  
4       RSMo, and any metropolitan sewer district organized pursuant to  
5       the constitution of this state;

6       (6) "Improve", to construct, reconstruct, maintain,  
7       restore, replace, renew, repair, install, equip, extend or to  
8       otherwise perform any work which will provide a new sanitary  
9       sewer facility or enhance, extend or restore the value or utility  
10      of an existing sanitary sewer facility;

11      (7) "Improvement", any one or more sanitary sewer  
12      facilities or improvements which confer a benefit on property  
13      within a definable area and may include or consist of a  
14      reimprovement of a prior improvement; improvements include, but  
15      are not limited to, the following activities:

16      (a) To acquire property or interests in property when  
17      necessary or desirable for any purpose authorized by sections  
18      204.705 to 204.755;

19      (b) To improve sanitary sewers, wastewater treatment  
20      plants, lagoons, septic tanks and systems and any and all other  
21      sanitary sewer and waste water collection and treatments systems  
22      of any type, whether located on improved or unimproved public or  
23      private property, the general object and nature of which will  
24      either preserve, maintain, improve or promote the general public  
25      health, safety and welfare, or the environment, regardless of

1 technology used;

2 (8) "Sanitary sewer improvement area", an area of a  
3 district with defined limits and boundaries which is created by  
4 petition pursuant to sections 204.705 to 204.755 and which is  
5 benefited by an improvement and subject to assessments against  
6 the real property therein for the cost of the improvement;

7 (9) "User fee", a fee established and imposed by a district  
8 for payment of an assessment in periodic installments to pay for  
9 improvements made in a sanitary sewer improvement area which  
10 benefit the property within such area that is subject to the  
11 assessment.

12 204.710. As an alternative to all other methods provided by  
13 law or charter, the board of trustees of any sewer district or  
14 reorganized sewer district organized and operated pursuant to  
15 this chapter or chapter 249, RSMo, or any metropolitan sewer  
16 district organized pursuant to the constitution of this state,  
17 may make, or cause to be made, improvements which confer a  
18 benefit upon property within a sanitary sewer improvement area  
19 pursuant to sections 204.705 to 204.755. The board of trustees  
20 of such district may incur indebtedness and issue temporary notes  
21 and general or special revenue bonds pursuant to sections 204.705  
22 to 204.755 to pay for all or part of the cost of such  
23 improvements. An improvement may be combined with one or more  
24 other improvements for the purpose of issuing a single series of  
25 general or special revenue bonds to pay all or part of the cost

1 of said area's improvements, but separate funds or accounts shall  
2 be established within the records of the district for each  
3 improvement project as provided in sections 204.705 to 204.755.  
4 Such district shall make assessments and may impose user fees on  
5 the property deemed by the board of trustees to be benefited by  
6 each such improvement project pursuant to in addition to any  
7 other fees or charges imposed by the district for provision of  
8 services or payment of debt. The district shall use the moneys  
9 collected from such assessments and user fees to reimburse the  
10 district for all amounts paid or to be paid by it as principal of  
11 and interest on its temporary notes and general or special  
12 revenue bonds issued for such improvements.

13 204.715. 1. To establish a sanitary sewer improvement  
14 area, the governing body of the sewer district shall comply with  
15 the following procedure: the governing body of the district may  
16 create a sanitary sewer improvement area when a proper petition  
17 has been signed by four-sevenths of the owners of record within  
18 such proposed area. The petition, in order to become effective,  
19 shall be filed with the district. A proper petition for the  
20 creation of a sanitary sewer improvement area shall set forth the  
21 project name for the proposed improvement, the general nature of  
22 the proposed improvement, the estimated cost of such improvement,  
23 the boundaries of the proposed sanitary sewer subdistrict, the  
24 proposed method or methods of financing the project including the  
25 estimated amount of and method for imposing user fees against the

1 real property within the district to pay for the cost of the  
2 improvements and any bonds issued therefor, a notice that the  
3 names of the signers may not be withdrawn later than seven days  
4 after the petition is filed with the district, and a notice that  
5 the final cost of such improvement and the amount of revenue  
6 bonds issued therefor shall not exceed the estimated cost of such  
7 improvement, as stated in such petition, by more than twenty-five  
8 percent.

9 2. Upon the filing of a proper petition with the district,  
10 the governing body may by resolution or ordinance determine the  
11 advisability of the improvement and may order that the area be  
12 established and that preliminary plans and specifications for the  
13 improvement be made. Such resolution or ordinance shall state  
14 and make findings as to the project name for the proposed  
15 improvement, the nature of the improvement, the estimated cost of  
16 such improvement, the boundaries of the sanitary sewer  
17 improvement area, the proposed method or methods of imposing  
18 assessments and, if known, proposed estimated user fees within  
19 the district, and shall also state that the final cost of such  
20 improvement within the sanitary sewer improvement area and the  
21 amount of general or special revenue bonds issued therefor shall  
22 not, without a new petition, exceed the estimated cost of such  
23 improvement by more than twenty-five percent.

24 3. The boundaries of the proposed area shall be described  
25 by metes and bounds, streets or other sufficiently specific

1 description.

2 204.720. The portion of the cost of any improvement to be  
3 assessed or imposed against the real property in a sanitary sewer  
4 improvement area shall be apportioned against such property in  
5 accordance with the benefits accruing thereto by reason of such  
6 improvement. Subject to the provisions of the Farmland  
7 Protection Act, sections 262.800 to 262.810, RSMo, the cost may  
8 be assessed equally by lot or tract, against property within the  
9 area, or by any other reasonable assessment plan determined by  
10 the board of trustees of the district which results in imposing  
11 substantially equal burdens or share of the cost upon property  
12 similarly benefited. The board of trustees of the district may  
13 from time to time determine and establish by ordinance or  
14 resolution reasonable general classifications and formula for the  
15 methods of assessing or determining the benefits.

16 204.725. 1. After the board of trustees has made the  
17 findings specified in sections 204.705 to 204.755 and plans and  
18 specifications for the proposed improvements have been prepared,  
19 the board of trustees shall by ordinance or resolution order  
20 assessments to be made against each parcel of real property  
21 deemed to be benefited by an improvement based on the revised  
22 estimated cost of the improvement or, if available, the final  
23 cost thereof, and shall order a proposed assessment roll to be  
24 prepared.

25 2. The plans and specifications for the improvement and the



1 proposed assessment roll shall be filed with the district and  
2 shall be open for public inspection. Such district shall  
3 thereupon, at the direction of the board of trustees, publish  
4 notice that the board of trustees will conduct a hearing to  
5 consider the proposed improvement and proposed assessments. Such  
6 notice shall be published in a newspaper of general circulation  
7 at least once not more than twenty days before the hearing and  
8 shall state the project name for the improvement, the date, time  
9 and place of such hearing, the general nature of the improvement,  
10 the revised estimated cost or, if available, the final cost of  
11 the improvement, the boundaries of the sanitary sewer improvement  
12 area to be assessed, and that written or oral objections will be  
13 considered at the hearing. At the same time, the district shall  
14 mail to the owners of record of the real property made liable to  
15 pay the assessments, at their last known post office address, a  
16 notice of the hearing and a statement of the cost proposed to be  
17 assessed against the real property so owned and assessed. The  
18 failure of any owner to receive such notice shall not invalidate  
19 the proceedings.

20 204.730. 1. At the hearing to consider the proposed  
21 improvements and assessments, the board of trustees or their  
22 designated representative shall hear and pass upon all objections  
23 to the proposed improvements and proposed assessments, if any,  
24 and may amend the proposed improvements, and the plans and  
25 specifications therefor, or assessments as to any property, and

1 thereupon by ordinance or resolution the board of trustees shall  
2 order that the improvement be made and direct that financing for  
3 the cost thereof be obtained as provided in sections 204.705 to  
4 204.755.

5 2. After the improvement has been completed in accordance  
6 with the plans and specifications therefor, the board of trustees  
7 shall compute the final costs of the improvement and apportion  
8 the costs among the property benefited by such improvement in  
9 such equitable manner as the board of trustees shall determine,  
10 charging each tract, lot or parcel of property with its  
11 proportionate share of the costs, and by resolution or ordinance,  
12 assess the final cost of the improvement, or the amount of  
13 general or special revenue bonds issued or to be issued to pay  
14 for the improvement, as special assessments against the property  
15 described in the assessment roll.

16 3. After the passage or adoption of the ordinance or  
17 resolution assessing the special assessments, the district shall  
18 mail a notice to each property owner within the district which  
19 sets forth a description of each tract, lot or parcel of real  
20 property to be assessed which is owned by such owner, the  
21 assessment assigned to such property, and a statement that the  
22 property owner may pay such assessment in full, together with  
23 interest accrued thereon from the effective date of such  
24 ordinance or resolution, on or before a specified date determined  
25 by the effective date of the ordinance or resolution, or may pay

1 such assessment in the form of user fees in periodic installments  
2 as provided in subsection 4 of this section. Notice of each  
3 assessment and imposition of the assessment lien together with a  
4 legal description for each property assessed within the area  
5 shall be filed with the recorder of deeds upon the effective date  
6 of the ordinance or resolution, but failure to timely record any  
7 such notice shall not affect the validity of the assessments or  
8 liens thereunder. The district shall record written notice of  
9 release of lien whenever an assessment is paid in full; the cost  
10 of recording assessment notices and release of liens shall be  
11 included in the assessment.

12 4. The special assessments shall be assessed upon the  
13 property within the area and those not paid in full as provided  
14 in subsection 3 of this section shall be payable in the form of  
15 user fees payable in periodic and substantially equal  
16 installments as determined by the district for a duration  
17 prescribed by the resolution or ordinance establishing the  
18 special assessments. All assessments shall bear interest at such  
19 rate as the board of trustees determines, not to exceed the rate  
20 permitted for bonds by section 108.170, RSMo. Interest on the  
21 assessment between the effective date of the ordinance or  
22 resolution assessing the special assessments and the date the  
23 first installment of a user fee is payable shall be added to the  
24 first installment or prorated among all scheduled installments.

25 5. Assessments not paid in full shall be collected and paid

1 over to the district in the form of user fees in the same manner  
2 as other district fees and charges are collected and paid, or by  
3 any other reasonable method determined by the district.

4 204.735. No suit to set aside the assessments made pursuant  
5 to sections 204.705 to 204.755 or to otherwise question the  
6 validity of the proceedings relating thereto shall be brought  
7 after the expiration of ninety days from the date of mailing of  
8 notice to the last known owners of record of the assessments  
9 required by sections 204.705 to 204.755.

10 204.740. 1. To correct omissions, errors or mistakes in  
11 the original assessment which relate to the total cost of an  
12 improvement, the board of trustees of the district may, without a  
13 notice or hearing, make supplemental or additional assessments on  
14 property within a sanitary sewer improvement area, except that  
15 such supplemental or additional assessments shall not, without a  
16 new petition as provided in sections 204.705 to 204.755, exceed  
17 twenty-five percent of the estimated cost of the improvement as  
18 set forth in the petition pursuant to the provisions of sections  
19 204.705 to 204.755.

20 2. When an assessment is, for any reason whatever, set  
21 aside by a court of competent jurisdiction as to any property, or  
22 in the event the board of trustees finds that the assessment or  
23 any part thereof is excessive or determines on advice of counsel  
24 in writing that it is or may be invalid for any reason, the board  
25 of trustees may, upon notice and hearing as provided for the

1 original assessment, make a reassessment or a new assessment as  
2 to such property.

3 204.745. An assessment authorized pursuant to sections  
4 204.705 to 204.755, once determined and imposed, shall constitute  
5 a lien against such property until paid in full and shall not be  
6 affected by the existence or enforcement of any other liens or  
7 encumbrances, nor shall enforcement of an assessment lien have  
8 any effect on the validity or enforcement of any tax lien or lien  
9 established by mortgage or deed of trust. An assessment lien  
10 becomes delinquent when an assessment is not paid in full as  
11 prescribed by sections 204.705 to 204.755 or when one or more  
12 periodic installments imposed by the district for an assessment  
13 remain unpaid for a period of thirty days or more after notice of  
14 delinquency in payment is mailed to the last known owners of the  
15 property subject to assessment by regular United States mail and  
16 by certified mail, return receipt requested, at their last known  
17 address provided by such owners to the district and to the  
18 occupant of property which is subject to assessment, if different  
19 from that of the owners. In the event any such user fee remains  
20 unpaid after thirty days of the mailing of any such notice, and  
21 in addition to any other remedy the district may have by statute  
22 or duly enacted regulation for the collection of delinquent  
23 amounts owed to the district, the district shall be entitled to  
24 petition the circuit court having jurisdiction to foreclose upon  
25 the assessment lien by special execution sale of the property

1 subject to the assessment for the unpaid assessment plus  
2 reasonable attorney's fees, court costs and other reasonable  
3 costs incurred by the district in collection. In any such suit,  
4 the district shall name all parties appearing of record to have  
5 or claim an interest in the property subject to the unpaid  
6 assessment and shall file a notice of lis pendens in connection  
7 with said action; in addition, the district may obtain a judgment  
8 against last known owners of the property for any deficiency in  
9 payment of the assessment and costs and fees made a part of the  
10 court's judgment.

11 204.750. After an improvement has been authorized pursuant  
12 to sections 204.705 to 204.755, the board of trustees of the  
13 district may issue temporary notes of the district to pay the  
14 costs of such improvement in an amount not to exceed the  
15 estimated cost of such improvement, and such temporary notes may  
16 be issued in anticipation of issuance of general or special  
17 revenue bonds of the district. The district may participate in  
18 any governmentally sponsored bond pooling program or other bond  
19 program. Bonds may be issued and made payable from general  
20 revenues of the area or district, or from special revenues from  
21 designated properties within an area.

22 204.755. A separate fund or account shall be created by the  
23 district for each improvement project and each such fund or  
24 account shall be identified by a suitable title. The proceeds  
25 from the sale of bonds and temporary notes and any other moneys

1 appropriated thereto by the board of trustees of the district  
2 shall be credited to such funds or accounts. Such funds or  
3 accounts shall be used solely to pay the costs incurred in making  
4 each respective improvement. Upon completion of an improvement,  
5 the balance remaining in the fund or account established for such  
6 improvement, if any, may be held as contingent funds for future  
7 improvements or may be credited against the amount of the  
8 original assessment of each parcel of property, on a pro rata  
9 basis based on the amount of the original assessment, and with  
10 respect to property owners that have prepaid their assessments in  
11 accordance with sections 204.705 to 204.755, the amount of each  
12 such credit shall be refunded to the appropriate property owner,  
13 and with respect to all other property owners, the amount of each  
14 such credit shall be transferred and credited to the district  
15 bond and interest fund to be used solely to pay the principal of  
16 and interest on the bonds or temporary notes and the assessments  
17 shall be reduced accordingly by the amount of such credit.

18 204.760. Any public sanitary sewer district or reorganized  
19 sewer district organized and operated pursuant to this chapter or  
20 chapter 249, RSMo, and any metropolitan sewer district organized  
21 pursuant to the constitution of this state, may enter into a  
22 cooperative agreement with a city or county for the purpose of  
23 constructing sanitary sewer system improvements pursuant to the  
24 provisions of the neighborhood improvement district act, sections  
25 67.453 to 67.475, RSMo. Any such cooperative agreement, if

1 approved by the governing bodies of the district and city or  
2 county, may include provisions for joint administration of  
3 projects, for the issuance of temporary notes and general  
4 obligation bonds by district, city or county, separately or  
5 jointly, and for the payment of such bonds by any source of funds  
6 or user fees in addition to funds from special assessments as  
7 provided for in sections 67.453 to 67.475, RSMo, and general ad  
8 valorem taxes, so long as all terms, conditions and covenants of  
9 any applicable bond indenture are complied with and so long as  
10 said notes and bonds are issued in compliance with general  
11 applicable law.

12       250.140. [1.] In the case of privately owned property,  
13 sewerage services or water and sewerage services combined shall  
14 be deemed to be furnished to [both] the occupant [and owner] of  
15 the premises receiving such service and the city, town or village  
16 or sewer district rendering such services shall have power to sue  
17 the occupant [or owner, or both,] of such real estate in a civil  
18 action to recover any sums due for such services, plus a  
19 reasonable attorney's fee to be fixed by the court.

20       [2. If the occupant of the premises receives the billing,  
21 any notice of termination of service shall be sent to both the  
22 occupant and owner of the premises receiving such service, if  
23 such owner has requested in writing to receive any notice of  
24 termination and has provided the entity rendering such service  
25 with the owner's business addresses.]



1       260.219. No local government or political subdivision shall  
2       provide commercial solid waste collection services in  
3       unincorporated areas outside its boundaries unless no other  
4       service is available. This section shall not include hazardous  
5       waste, recovered materials, or solid waste that is processed at a  
6       resource recovery facility or material recovery facility before  
7       it is transferred to a sanitary landfill or transfer station.

8           260.273. 1. Any person purchasing a new tire may present  
9       to the seller the used tire or remains of such used tire for  
10      which the new tire purchased is to replace.

11          2. A fee for each new tire sold at retail shall be imposed  
12      on any person engaging in the business of making retail sales of  
13      new tires within this state. The fee shall be charged by the  
14      retailer to the person who purchases a tire for use and not for  
15      resale. Such fee shall be imposed at the rate of fifty cents for  
16      each new tire sold. Such fee shall be added to the total cost to  
17      the purchaser at retail after all applicable sales taxes on the  
18      tires have been computed. The fee imposed, less six percent of  
19      fees collected, which shall be retained by the tire retailer as  
20      collection costs, shall be paid to the department of revenue in  
21      the form and manner required by the department of revenue and  
22      shall include the total number of new tires sold during the  
23      preceding month. The department of revenue shall promulgate  
24      rules and regulations necessary to administer the fee collection  
25      and enforcement. The terms "sold at retail" and "retail sales"

1 do not include the sale of new tires to a person solely for the  
2 purpose of resale, if the subsequent retail sale in this state is  
3 to the ultimate consumer and is subject to the fee.

4 3. The department of revenue shall administer, collect and  
5 enforce the fee authorized pursuant to this section pursuant to  
6 the same procedures used in the administration, collection and  
7 enforcement of the general state sales and use tax imposed  
8 pursuant to chapter 144, RSMo, except as provided in this  
9 section. The proceeds of the new tire fee, less four percent of  
10 the proceeds, which shall be retained by the department of  
11 revenue as collection costs, shall be transferred by the  
12 department of revenue into an appropriate subaccount of the solid  
13 waste management fund, created pursuant to section 260.330.

14 4. Up to five percent of the revenue available may be  
15 allocated, upon appropriation, to the department of natural  
16 resources to be used cooperatively with the department of  
17 elementary and secondary education for the purposes of developing  
18 educational programs and curriculum pursuant to section 260.342.

19 5. Up to twenty-five percent of the moneys received  
20 pursuant to this section may, upon appropriation, be used to  
21 administer the programs imposed by this section. Up to five and  
22 one-half percent of the moneys received under this section may,  
23 upon appropriation, be used for the grants authorized in  
24 subdivision (2) of subsection 6 of this section and authorized in  
25 section 260.274. All remaining moneys shall be allocated, upon

1 appropriation, for the projects authorized in section 260.276.

2 6. The department shall promulgate, by rule, a statewide  
3 plan for the use of moneys received pursuant to this section to  
4 accomplish the following:

5 (1) Removal of waste tires from illegal tire dumps;

6 (2) Providing grants to persons that will use products  
7 derived from waste tires, or used waste tires as a fuel or fuel  
8 supplement; and

9 (3) Resource recovery activities conducted by the  
10 department pursuant to section 260.276.

11 7. The fee imposed in subsection 2 of this section shall  
12 terminate January 1, 2004.

13 319.125. 1. The department may deny or invalidate a  
14 certificate of registration issued under sections 319.120 and  
15 319.123 if the department finds, after notice and a hearing  
16 pursuant to chapter [644] 260, RSMo, that the owner has:

17 (1) Fraudulently or deceptively registered or attempted to  
18 register a tank; or

19 (2) Failed at any time to comply with any provision or  
20 requirement of sections 319.100 to 319.137 or any rules and  
21 regulations adopted by the department in accordance with the  
22 provisions of sections 319.100 to 319.137.

23 2. Upon the action of the department to invalidate or  
24 refuse to issue a certificate, the department shall advise the  
25 applicant of his right to have a hearing before the [clean water]

1     Missouri hazardous waste management commission. The hearing  
2     shall be conducted in accordance with the procedures established  
3     in chapter [644] 260, RSMo.

4             3. When the department finds that a release from an  
5     underground storage tank presents, or is likely to present, an  
6     immediate threat to public health or safety or to the  
7     environment, it shall order correction of the problem, order  
8     cleanup or institute clean-up operations pursuant to the  
9     provisions of sections 260.500 to 260.550, RSMo.

10            4. If the owner or operator fails to perform or improperly  
11     performs any action required by the department to abate or  
12     eliminate an immediate threat to public health or safety or to  
13     the environment, the department or an authorized agent of the  
14     department may take any and all necessary action to abate or  
15     eliminate such threat. In addition to any other remedy or  
16     penalty provided by sections 319.100 to 319.137 or any other law,  
17     the owner or operator shall be held strictly liable for the  
18     reasonable costs incurred by the department in taking any such  
19     action.

20            5. The denial of reregistration or the revocation of  
21     registration of any person participating in the underground  
22     storage tank insurance fund shall, upon completion of any appeal,  
23     terminate participation in the fund.

24            319.127. 1. It is unlawful for any owner or operator to  
25     cause or permit any violations of sections 319.100 to 319.137, or

1 any standard, rule or regulation, order or permit term or  
2 condition adopted or issued hereunder. Except as provided in  
3 this section, whenever on the basis of any information, the  
4 department determines that any person is in such violation, the  
5 department may issue an order requiring compliance within a  
6 reasonable specified time period, pursuant to chapter [644] 260,  
7 RSMo, or the department may commence a civil action in a court of  
8 competent jurisdiction in which the violation occurred for  
9 appropriate relief, including a temporary or permanent  
10 injunction.

11 2. If an owner or operator fails to comply with an order  
12 under this section within the time specified, the department may  
13 commence a civil action in a court of competent jurisdiction for  
14 injunctive relief to prevent any such violation or further  
15 violation or for the assessment of a civil penalty not to exceed  
16 ten thousand dollars for each day, or part thereof, the violation  
17 occurred or continues to occur, or both, as the court deems  
18 proper. A civil monetary penalty under this section shall not be  
19 assessed for a violation where an administrative penalty was  
20 assessed under section 319.139. The department may request  
21 either the attorney general or a prosecuting attorney to bring  
22 any action authorized in this section in the name of the people  
23 of the state of Missouri. Any offer of settlement to resolve a  
24 civil penalty under this section shall be in writing, shall state  
25 that an action for imposition of a civil penalty may be initiated

1 by the attorney general or a prosecuting attorney representing  
2 the department under authority of this section, and shall  
3 identify any dollar amount as an offer of settlement which shall  
4 be negotiated in good faith through conference, conciliation and  
5 persuasion.

6 3. Any penalty recovered pursuant to the provisions of this  
7 section shall be handled in accordance with section 7 of article  
8 IX of the state constitution.

9 4. If the department alleges a violation of law or  
10 regulation of sections 319.100 to 319.139, and mandates  
11 compliance with such law or regulation by a person or entity, the  
12 department shall provide the person or entity responsible for  
13 compliance with such law or regulation with written criteria  
14 detailing exactly what action is necessary for such person or  
15 entity to comply with the law or regulation. The criteria shall  
16 include any time restrictions imposed by the department and shall  
17 be prima facie evidence of the action necessary for compliance  
18 with the law or regulation. Any person or entity meeting the  
19 criteria shall be deemed to be in full compliance with the  
20 requests of the department and evidence of compliance shall  
21 constitute an affirmative defense in any action brought by or on  
22 behalf of the department under the law or regulation. The  
23 criteria may not be amended by the department once issued to the  
24 person or entity responsible for compliance with such law or  
25 department regulation for three years from the date of issuance

1 unless mandated by a change in state or federal law.

2 319.137. 1. Rules and regulations promulgated by the  
3 United States Environmental Protection Agency under subtitle I of  
4 the federal Resource Conservation Recovery Act of 1976 (P.L.  
5 94-580), as amended, may be adopted by the department by  
6 reference. The department may adopt rules and regulations that  
7 are more stringent than those issued by the United States  
8 Environmental Protection Agency if such rules or regulations are  
9 necessary to protect human health or the environment. Rules and  
10 regulations promulgated under sections 319.100 to 319.139 shall  
11 be submitted to and reviewed by the advisory committee  
12 established by subsection 2 of section 319.131 prior to  
13 publication. Any such rule shall be adopted only after due  
14 notice and public hearing in accordance with the provisions of  
15 this section, chapter 260, RSMo, and chapter 536, RSMo[, and  
16 chapter 644, RSMo].

17 2. No rule or portion of a rule promulgated under the  
18 authority of sections 319.100 to 319.139 shall become effective  
19 until it has been approved by the joint committee on  
20 administrative rules in accordance with the procedures provided  
21 herein, and the delegation of the legislative authority to enact  
22 law by the adoption of such rules is dependent upon the power of  
23 the joint committee on administrative rules to review and suspend  
24 rules pending ratification by the senate and the house of  
25 representatives as provided herein.

1           3. Upon filing any proposed rule with the secretary of  
2 state, the filing agency shall concurrently submit such proposed  
3 rule to the committee, which may hold hearings upon any proposed  
4 rule or portion thereof at any time.

5           4. A final order of rulemaking shall not be filed with the  
6 secretary of state until thirty days after such final order of  
7 rulemaking has been received by the committee. The committee may  
8 hold one or more hearings upon such final order of rulemaking  
9 during the thirty-day period. If the committee does not  
10 disapprove such order of rulemaking within the thirty-day period,  
11 the filing agency may file such order of rulemaking with the  
12 secretary of state and the order of rulemaking shall be deemed  
13 approved.

14           5. The committee may, by majority vote of the members,  
15 suspend the order of rulemaking or portion thereof by action  
16 taken prior to the filing of the final order of rulemaking only  
17 for one or more of the following grounds:

18           (1) An absence of statutory authority for the proposed  
19 rule;

20           (2) An emergency relating to public health, safety or  
21 welfare;

22           (3) The proposed rule is in conflict with state law;

23           (4) A substantial change in circumstance since enactment of  
24 the law upon which the proposed rule is based;

25           (5) That the rule is arbitrary and capricious.



1           6. If the committee disapproves any rule or portion  
2 thereof, the filing agency shall not file such disapproved  
3 portion of any rule with the secretary of state and the secretary  
4 of state shall not publish in the Missouri Register any final  
5 order of rulemaking containing the disapproved portion.

6           7. If the committee disapproves any rule or portion  
7 thereof, the committee shall report its findings to the senate  
8 and the house of representatives. No rule or portion thereof  
9 disapproved by the committee shall take effect so long as the  
10 senate and the house of representatives ratify the act of the  
11 joint committee by resolution adopted in each house within thirty  
12 legislative days after such rule or portion thereof has been  
13 disapproved by the joint committee.

14           8. Upon adoption of a rule as provided herein, any such  
15 rule or portion thereof may be suspended or revoked by the  
16 general assembly either by bill or, pursuant to section 8,  
17 article IV of the constitution, by concurrent resolution upon  
18 recommendation of the joint committee on administrative rules.  
19 The committee shall be authorized to hold hearings and make  
20 recommendations pursuant to the provisions of section 536.037,  
21 RSMo. The secretary of state shall publish in the Missouri  
22 Register, as soon as practicable, notice of the suspension or  
23 revocation.

24           319.139. 1. In addition to any other remedy provided by  
25 law, upon a determination by the director that a provision of

1 sections 319.100 to 319.137 or a standard, limitation, order,  
2 rule or regulation promulgated pursuant thereto, or a term or  
3 condition of any permit has been violated, the director may issue  
4 an order assessing an administrative penalty upon the violator  
5 under this section. An administrative penalty shall not be  
6 imposed until the director has sought to resolve the violation  
7 through conference, conciliation or persuasion and shall not be  
8 imposed for minor violations of sections 319.100 to 319.137 or  
9 minor violations of any standard, limitation, order, rule or  
10 regulation promulgated pursuant to sections 319.100 to 319.137 or  
11 minor violations of any term or condition of a permit issued  
12 pursuant to sections 319.100 to 319.137. If the violation is  
13 resolved through conference, conciliation and persuasion, no  
14 administrative penalty shall be assessed unless the violation has  
15 caused, or has the potential to cause, a risk to human health or  
16 to the environment, or has caused or has potential to cause  
17 pollution, or was knowingly committed, or is defined by the  
18 United States Environmental Protection Agency as other than  
19 minor. Any order assessing an administrative penalty shall state  
20 that an administrative penalty is being assessed under this  
21 section and that the person subject to the penalty may appeal as  
22 provided by this section. Any such order that fails to state the  
23 statute under which the penalty is being sought, the manner of  
24 collection or rights of appeal shall result in the state's  
25 waiving any right to collection of the penalty.

1           2. The [clean water] Missouri hazardous waste management  
2 commission shall promulgate rules and regulations for the  
3 assessment of administrative penalties. The amount of the  
4 administrative penalty assessed per day of violation for each  
5 violation under this section shall not exceed the amount of the  
6 civil penalty specified in section 319.127. Such rules shall  
7 reflect the criteria used for the administrative penalty matrix  
8 as provided for in the Resource Conservation and Recovery Act, 42  
9 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm  
10 which the violation causes, or may cause, the violator's previous  
11 compliance record, and any other factors which the [clean water]  
12 Missouri hazardous waste management commission may reasonably  
13 deem relevant. An administrative penalty shall be paid within  
14 sixty days from the date of issuance of the order assessing the  
15 penalty. Any person subject to an administrative penalty may  
16 appeal to the commission as provided in section [644.056]  
17 260.400, RSMo. An appeal will stay the due date of such  
18 administrative penalty until the appeal is resolved. Any person  
19 who fails to pay an administrative penalty by the final due date  
20 shall be liable to the state for a surcharge of fifteen percent  
21 of the penalty plus ten percent per annum on any amounts owed.  
22 Any administrative penalty paid pursuant to this section shall be  
23 handled in accordance with section 7 of article IX of the state  
24 constitution. An action may be brought in the appropriate  
25 circuit court to collect any unpaid administrative penalty, and

1 for attorney's fees and costs incurred directly in the collection  
2 thereof.

3 3. An administrative penalty shall not be increased in  
4 those instances where department action, or failure to act, has  
5 caused a continuation of the violation that was a basis for the  
6 penalty. Any administrative penalty must be assessed within two  
7 years following the department's initial discovery of such  
8 alleged violation, or from the date the department in the  
9 exercise of ordinary diligence should have discovered such  
10 alleged violation.

11 4. Any final order imposing an administrative penalty is  
12 subject to judicial review upon the filing of a petition pursuant  
13 to section 536.100, RSMo, by any person subject to the  
14 administrative penalty.

15 5. The state may elect to assess an administrative penalty,  
16 or, in lieu thereof, to request that the attorney general or  
17 prosecutor file an appropriate legal action seeking a civil  
18 penalty in the appropriate circuit court.

19 393.015. 1. Notwithstanding any other provision of law to  
20 the contrary, any sewer corporation, municipality or sewer  
21 district established under the provisions of chapter 249 or 250,  
22 RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district  
23 created and organized pursuant to constitutional authority, may  
24 contract with any water corporation[, municipality, or public  
25 water supply district established under chapter 247, RSMo,] to

1 terminate water services to any customer premises for nonpayment  
2 of a sewer bill. No such termination of water service may occur  
3 until thirty days after the sewer corporation, municipality or  
4 statutory sewer district or sewer district created and organized  
5 pursuant to constitutional authority sends a written notice to  
6 the customer by certified mail, except that if the water  
7 corporation[, municipality or public water supply district] is  
8 performing a combined water and sewer billing service for the  
9 sewer corporation, municipality or sewer district, no additional  
10 notice or any additional waiting period shall be required other  
11 than the notice and waiting period already used by the water  
12 corporation[, municipality or public water supply district] to  
13 disconnect water service for nonpayment of the water bill.  
14 Acting pursuant to a contract, the water corporation[,  
15 municipality or public water supply district] shall discontinue  
16 water service until such time as the sewer charges and all  
17 related costs of termination and reestablishment of sewer and  
18 water services are paid by the customer.

19 2. A water corporation[, municipality, or public water  
20 supply district] acting pursuant to a contract with a sewer  
21 corporation, municipality or sewer district as provided in  
22 subsection 1 of this section shall not be liable for damages  
23 related to termination of water services unless such damage is  
24 caused by the negligence of such water corporation,  
25 [municipality, or public water supply district,] in which case

1 the water corporation[, municipality, or public water supply  
2 district] shall be indemnified by the sewer corporation,  
3 municipality or sewer district. Unless otherwise specified in  
4 the contract, all costs related to the termination and  
5 reestablishment of services by the water corporation[,  
6 municipality or public water supply district] shall be reimbursed  
7 by the sewer corporation, municipality, sewer district or sewer  
8 district created and organized pursuant to constitutional  
9 authority.

10 393.018. 1. Notwithstanding any other provision of law to  
11 the contrary, any municipality providing water, or any water  
12 district established under the provisions of chapter 247, RSMo,  
13 shall upon request of any municipality providing sewer service or  
14 public sewer district established under the provisions of chapter  
15 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, contract  
16 with such municipality or public sewer district to terminate  
17 water services to any customer premises for nonpayment of a sewer  
18 bill or establish combined billing for water and sewer services  
19 to any customer premises prior to May 13, 2005.

20 2. In the event that the aforesaid municipality, or water  
21 district and the aforesaid municipality or sewer district are  
22 unable to reach an agreement as herein provided, then the  
23 municipality or sewer district making the written request, may  
24 file with the circuit court in which the municipality, or water  
25 district was incorporated or formed, a petition requesting that

1 three commissioners draft such an agreement.

2 3. Upon the filing of such petition, the party filing the  
3 petition shall include therein the name of one of the  
4 commissioners to be appointed by the court; the other party shall  
5 appoint one commissioner within thirty days of the service of the  
6 petition upon the second party. If the second party fails to  
7 appoint a commissioner within such a time period, the court shall  
8 appoint a commissioner on behalf of the second party within  
9 forty-five days of service of the petition upon the second party.  
10 Such two named commissioners shall agree to appoint a third  
11 commissioner within thirty days of the appointment of the second  
12 commissioner, but in the event that they fail to agree, the court  
13 shall appoint a third disinterested commissioner within forty-  
14 five days after appointment of the second commissioner.

15 4. The commissioners shall draft an agreement between the  
16 municipality or water district and the municipality or sewer  
17 district meeting the requirements set forth herein. Before  
18 drafting such agreement, the parties shall be given an  
19 opportunity to present evidence and information pertaining to  
20 such agreement at a hearing to be held by the commissioners.  
21 Each party shall receive fifteen days written notice of said  
22 hearing, however, at any time prior to the date of the hearing,  
23 either party may request an automatic thirty day extension by  
24 delivering notification in writing to the opposing party and the  
25 commissioners. The commissioners shall consider such evidence

1 and information submitted to them and prepare such agreement as  
2 provided herein. The hearing may be continued from time to time  
3 at the discretion of the commissioners, until such time as both  
4 parties have had an opportunity to present evidence therein.  
5 Said agreement shall be submitted to the court within forty-five  
6 days of the completion of the hearing. The costs of said action  
7 shall be paid by the petitioning party, who shall also pay the  
8 reasonable costs of the commissioners, if any, as determined by  
9 the court.

10 5. If the court finds that such agreement meets the  
11 requirements of this section, then the court shall enter its  
12 judgment approving such agreement and order it to become  
13 effective not later than sixty days after the date of such  
14 judgment. Thereafter the parties shall abide by such agreement.  
15 If either party fails to do so, the other party may file an  
16 action to compel compliance. Venue shall be in the court issuing  
17 the judgment.

18 6. The judgment and order of the court shall be subject to  
19 an appeal as provided by law.

20 7. No such termination of water service may occur until  
21 thirty days after the municipality or sewer district sends a  
22 written notice to the customer, except that if the municipality  
23 or water district is performing a combined water and sewer  
24 billing service for the municipality or sewer district, no  
25 additional notice or any additional waiting period shall be



1 required other than the notice and the waiting period already  
2 used by the municipality or water district to disconnect water  
3 service for the nonpayment of the water bill. Acting pursuant to  
4 a contract, the municipality or public water supply district  
5 shall discontinue water service until such time as the customer  
6 pays the sewer charges and all related costs of termination and  
7 reestablishment of sewer and water services in full or payment  
8 arrangements have been accepted and approved by the municipality  
9 or sewer district.

10 8. Any municipality or water district disconnecting water  
11 services to collect a delinquent sewer charge at the written  
12 request of a municipality or sewer district pursuant to an  
13 agreement made under this section shall be absolutely immune from  
14 civil liability for damages or costs resulting from disconnection  
15 in accordance with the terms and conditions of such agreement.

16 9. Unless otherwise specified in the contract, all costs  
17 related to the termination and re-establishment of water service  
18 shall be reimbursed by the municipality or sewer district. Such  
19 reimbursement may include, but not be limited to, lost revenue  
20 and other reasonable expenses incurred as a result of such  
21 termination of water service. All costs paid the municipality or  
22 sewer district pursuant to the provisions of this section shall  
23 be charged to and paid by the customer whose service was  
24 terminated.

25 640.100. 1. The safe drinking water commission created in

1 section 640.105 shall promulgate rules necessary for the  
2 implementation, administration and enforcement of sections  
3 640.100 to 640.140 and the federal Safe Drinking Water Act as  
4 amended.

5 2. No standard, rule or regulation or any amendment or  
6 repeal thereof shall be adopted except after a public hearing to  
7 be held by the commission after at least thirty days' prior  
8 notice in the manner prescribed by the rulemaking provisions of  
9 chapter 536, RSMo, and an opportunity given to the public to be  
10 heard; the commission may solicit the views, in writing, of  
11 persons who may be affected by, knowledgeable about, or  
12 interested in proposed rules and regulations, or standards. Any  
13 person heard or registered at the hearing, or making written  
14 request for notice, shall be given written notice of the action  
15 of the commission with respect to the subject thereof. Any rule  
16 or portion of a rule, as that term is defined in section 536.010,  
17 RSMo, that is promulgated to administer and enforce sections  
18 640.100 to 640.140 shall become effective only if the agency has  
19 fully complied with all of the requirements of chapter 536, RSMo,  
20 including but not limited to, section 536.028, RSMo, if  
21 applicable, after June 9, 1998. All rulemaking authority  
22 delegated prior to June 9, 1998, is of no force and effect and  
23 repealed as of June 9, 1998, however, nothing in this section  
24 shall be interpreted to repeal or affect the validity of any rule  
25 adopted or promulgated prior to June 9, 1998. If the provisions

1 of section 536.028, RSMo, apply, the provisions of this section  
2 are nonseverable and if any of the powers vested with the general  
3 assembly pursuant to section 536.028, RSMo, to review, to delay  
4 the effective date, or to disapprove and annul a rule or portion  
5 of a rule are held unconstitutional or invalid, the purported  
6 grant of rulemaking authority and any rule so proposed and  
7 contained in the order of rulemaking shall be invalid and void,  
8 except that nothing in this chapter or chapter 644, RSMo, shall  
9 affect the validity of any rule adopted and promulgated prior to  
10 June 9, 1998.

11 3. The commission shall promulgate rules and regulations  
12 for the certification of public water system operators, backflow  
13 prevention assembly testers and laboratories conducting tests  
14 pursuant to sections 640.100 to 640.140. Any person seeking to  
15 be a certified backflow prevention assembly tester shall  
16 satisfactorily complete standard, nationally recognized written  
17 and performance examinations designed to ensure that the person  
18 is competent to determine if the assembly is functioning within  
19 its design specifications. Any such state certification shall  
20 satisfy any need for local certification as a backflow prevention  
21 assembly tester. However, political subdivisions may set  
22 additional testing standards for individuals who are seeking to  
23 be certified as backflow prevention assembly testers.  
24 Notwithstanding any other provision of law to the contrary,  
25 agencies of the state or its political subdivisions shall only

1       require carbonated beverage dispensers to conform to the backflow  
2       protection requirements established in the National Sanitation  
3       Foundation standard eighteen, and the dispensers shall be so  
4       listed by an independent testing laboratory. The commission  
5       shall promulgate rules and regulations for collection of samples  
6       and analysis of water furnished by municipalities, corporations,  
7       companies, state establishments, federal establishments or  
8       individuals to the public. The department of natural resources  
9       or the department of health and senior services shall, at the  
10      request of any supplier, make any analyses or tests required  
11      pursuant to the terms of section 192.320, RSMo, and sections  
12      640.100 to 640.140. The department shall collect fees to cover  
13      the reasonable cost of laboratory services, both within the  
14      department of natural resources and the department of health and  
15      senior services, laboratory certification and program  
16      administration as required by sections 640.100 to 640.140. The  
17      laboratory services and program administration fees pursuant to  
18      this subsection shall not exceed two hundred dollars for a  
19      supplier supplying less than four thousand one hundred service  
20      connections, three hundred dollars for supplying less than seven  
21      thousand six hundred service connections, five hundred dollars  
22      for supplying seven thousand six hundred or more service  
23      connections, and five hundred dollars for testing surface water.  
24      Such fees shall be deposited in the safe drinking water fund as  
25      specified in section 640.110. The analysis of all drinking water

1 required by section 192.320, RSMo, and sections 640.100 to  
2 640.140 shall be made by the department of natural resources  
3 laboratories, department of health and senior services  
4 laboratories or laboratories certified by the department of  
5 natural resources.

6 4. The department of natural resources shall establish and  
7 maintain an inventory of public water supplies and conduct  
8 sanitary surveys of public water systems. The department shall  
9 maintain such inventory which shall be classified as follows:

10 (1) Class I - Population under one thousand;

11 (2) Class II - Population under five thousand;

12 (3) Class III - Population under ten thousand;

13 (4) Class IV - Population under twenty thousand; and

14 (5) Class V - Population over twenty thousand.

15 Such records shall be available for public inspection during  
16 regular business hours.

17 5. (1) For the purpose of complying with federal  
18 requirements for maintaining the primacy of state enforcement of  
19 the federal Safe Drinking Water Act, the department is hereby  
20 directed to request appropriations from the general revenue fund  
21 and all other appropriate sources to fund the activities of the  
22 public drinking water program and in addition to the fees  
23 authorized pursuant to subsection 3 of this section, an annual  
24 fee for each customer service connection with a public water  
25 system is hereby authorized to be imposed upon all customers of

public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections .....	\$2.00
1,001 to 4,000 connections .....	1.84
4,001 to 7,000 connections .....	1.67
7,001 to 10,000 connections .....	1.50
10,001 to 20,000 connections .....	1.34
20,001 to 35,000 connections .....	1.17
35,001 to 50,000 connections .....	1.00
50,001 to 100,000 connections .....	.84
More than 100,000 connections .....	.66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall

1 not exceed twenty-five dollars; and for customers with meters  
2 greater than four inches in size shall not exceed fifty dollars.

3 (4) Customers served by multiple connections shall pay an  
4 annual user fee based on the above rates for each connection,  
5 except that no single facility served by multiple connections  
6 shall pay a total of more than five hundred dollars per year.

7 6. Fees imposed pursuant to subsection 5 of this section  
8 shall become effective on August 28, 1992, and shall be collected  
9 by the public water system serving the customer. The commission  
10 shall promulgate rules and regulations on the procedures for  
11 billing, collection and delinquent payment. Fees collected by a  
12 public water system pursuant to subsection 5 of this section are  
13 state fees. The annual fee shall be enumerated separately from  
14 all other charges, and shall be collected in monthly, quarterly  
15 or annual increments. Such fees shall be transferred to the  
16 director of the department of revenue at frequencies not less  
17 than quarterly. Two percent of the revenue arising from the fees  
18 shall be retained by the public water system for the purpose of  
19 reimbursing its expenses for billing and collection of such fees.

20 7. Imposition and collection of the fees authorized in  
21 subsection 5 of this section shall be suspended on the first day  
22 of a calendar quarter if, during the preceding calendar quarter,  
23 the federally delegated authority granted to the safe drinking  
24 water program within the department of natural resources to  
25 administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is

1 withdrawn. The fee shall not be reinstated until the first day  
2 of the calendar quarter following the quarter during which such  
3 delegated authority is reinstated.

4 8. Any project which receives state or federal funds  
5 pursuant to section 640.107 or 640.600 shall use the formula set  
6 forth pursuant to section 640.620 for payment of costs incurred  
7 in the planning and design of such projects.

8 [8.] 9. Fees imposed pursuant to subsection 5 of this  
9 section shall expire on September 1, 2007.

10 640.115. 1. Every municipal corporation, private  
11 corporation, company, partnership, federal establishment, state  
12 establishment or individual supplying or authorized to supply  
13 drinking water to the public within the state shall file with the  
14 department of natural resources a certified copy of the plans and  
15 surveys of the waterworks with a description of the methods of  
16 purification, treatment technology and source from which the  
17 supply of water is derived, and no source of supply shall be used  
18 without a written permit of approval issued to the continuing  
19 operating authority by the department of natural resources, or  
20 water dispensed to the public without first obtaining such  
21 written permit of approval. Prior to a change of permittee, the  
22 current permittee shall notify the department of the proposed  
23 change and the department shall perform a permit review.

24 2. Construction, extension or alteration of a public water  
25 system shall be, pursuant to section 640.620, in accordance with



1 the rules and regulations of the safe drinking water commission.

2 3. Permit applicants shall show, as part of their  
3 application, that a permanent organization exists which will  
4 serve as the continuing operating authority for the management,  
5 operation, replacement, maintenance and modernization of the  
6 facility. Such continuing operating authority for all community  
7 water systems and nontransient, noncommunity water systems  
8 commencing operation after October 1, 1999, shall be required to  
9 have and maintain the managerial, technical and financial  
10 capacity, as determined by the department, to comply with  
11 sections 640.100 to 640.140.

12 4. Any community water system or nontransient, noncommunity  
13 water system against which an administrative order has been  
14 issued for significant noncompliance with the federal Safe  
15 Drinking Water Act, as amended, sections 640.100 to 640.140 or  
16 any rule or regulation promulgated thereunder shall be required  
17 to show that a permanent organization exists that serves as the  
18 continuing operating authority for the facility and that such  
19 continuing operating authority has the managerial, technical and  
20 financial capacity to comply with sections 640.100 to 640.140 and  
21 regulations promulgated thereunder. If the water system cannot  
22 show to the department's satisfaction that such continuing  
23 operating authority exists, or if the water system is not making  
24 substantial progress toward compliance, the water system's permit  
25 may be revoked. The continuing operating authority may reapply

1 for a permit in accordance with rules promulgated by the  
2 commission.

3 640.605. The grants may be made to districts or communities  
4 to assist in financing, including engineering and legal service  
5 costs, specific projects for construction, original or  
6 enlargement of supply, source water protection treatment,  
7 purification, storage and distribution facilities for water  
8 systems and collection, treatment, forced mains, lift stations  
9 and disposal facilities for sewage systems, or any other item  
10 necessary for the physical operation of the water or sewage  
11 systems where grant funds are necessary to reduce the project  
12 cost per user to a reasonable level. Any engineering or design

13 costs shall follow the formula set forth pursuant to section  
14 640.620. The grants may be made to supplement funds from loan  
15 proceeds or other private or public sources when such grants are  
16 not available through any other state or federal agency.

17 640.615. 1. The applicant must first apply with the agency  
18 or other financial source which is to furnish the primary  
19 financial assistance, and after the amount of that assistance has  
20 been determined, an application for a grant hereunder may be made  
21 to and processed by the department of natural resources. The  
22 department of natural resources shall make the necessary rules  
23 and regulations for the consideration and processing of all grant  
24 requests, which shall generally conform to those used by federal  
25 grant and loan agencies, which rules shall be filed in the office

1 of the secretary of state. The rules shall contain, but shall  
2 not be limited to, the following criteria:

3 (1) Preliminary engineer cost study, pursuant to the  
4 formula as set forth in section 640.620;

5 (2) Bonded indebtedness of the district or community;

6 (3) The financial condition of the district or community;

7 (4) The cost per connection;

8 (5) The economic level in the district or community;

9 (6) The ratio of contracted users to potential users, which  
10 shall not be less than seventy-five percent;

11 (7) The number of acres being protected for any source  
12 water protection project.

13 2. No grant shall be finally approved until the applicant  
14 furnishes evidence of a commitment from the primary financial  
15 source.

16 640.620. In any case, the grant shall not be in excess of  
17 one thousand four hundred dollars per connection, or, in the case  
18 of a source water protection project, for more than twenty  
19 percent of the cost per acre for conservation reserve, except  
20 when any entity provides a certified design and operation plan  
21 which is less than the average per capita cost for installations  
22 within the same population classification established pursuant to  
23 subsection 4 of section 640.100, then the certified licensed  
24 engineer or company providing such engineering or design service  
25 shall receive payment in an amount equal to the usual and

1 customary fee for such project plus additional compensation equal  
2 to two times the percentage by which the cost of construction of  
3 such facility is less than the average per capita cost of  
4 facilities within the same population classification as set forth  
5 in subsection 4 of section 640.100, and, except as otherwise  
6 provided in this section, no district or system may receive more  
7 than one grant for any purpose in any two-year period. Such  
8 entity shall also pay to such engineer or company providing such  
9 engineering service compensation equal to twenty-five percent of  
10 the amount of any annual operational costs which are lower than  
11 the average per capita operational costs for facilities within  
12 the population classifications set forth pursuant to subsection 4  
13 of section 640.100 for a period of time equal to one-fourth the  
14 design lifetime of such facility or five years whichever is less.

15 Grantees who received or who are receiving funds under the  
16 1993-1994 special allocation for flood-impacted communities are  
17 not subject to the prohibition against receiving more than one  
18 grant during any two-year period for a period ending two years  
19 after the final grant allocation for flood-impacted communities  
20 is received by that grantee.

21 643.078. 1. It shall be unlawful for any person to operate  
22 any regulated air contaminant class A source, including any air  
23 contaminant source which takes enforceable permit conditions to  
24 limit potential emissions below one hundred tons per year of any  
25 air contaminant, after August 28, 1992, without an operating

1 permit except as otherwise provided in sections 643.010 to  
2 643.190.

3 2. At the option of the permit applicant, a single  
4 operating permit shall be issued for a facility having multiple  
5 air contaminant sources located on one or more contiguous tracts  
6 of land, excluding public roads, highways and railroads, under  
7 the control of or owned by the permit holder and operated as a  
8 single enterprise.

9 3. Any person who wishes to construct or modify and operate  
10 any regulated air contaminant source shall submit an application  
11 to the department for the unified review of a construction permit  
12 application [under] pursuant to section 643.075 and an operating  
13 permit application [under] pursuant to this section, unless the  
14 applicant requests in writing that the construction and operating  
15 permit applications be reviewed separately. [The director shall  
16 complete any unified review within one hundred and eighty days of  
17 receipt of the request for a class B source.] For a class A  
18 source, the unified review shall be completed within the time  
19 period established in section 502 of the federal Clean Air Act,  
20 as amended, 42 U.S.C. 7661.

21 4. As soon as the review process is completed for the  
22 construction and operating permits and, if the applicant complies  
23 with all applicable requirements of sections 643.010 to 643.190  
24 and all rules adopted thereunder, the construction permit shall  
25 be issued to the applicant. The operating permit shall be

1 retained by the department until validated.

2 5. Within one hundred and eighty days of commencing  
3 operations, the holder of a construction permit shall submit to  
4 the director such information as is necessary to demonstrate  
5 compliance with the provisions of sections 643.010 to 643.190 and  
6 the terms and conditions of the construction permit. The  
7 operating permit retained by the department shall be validated  
8 and forwarded to the applicant if the applicant is in compliance  
9 with the terms and conditions of the construction permit and the  
10 terms and conditions of the operating permit. The holder of a  
11 construction permit may request a waiver of the one hundred and  
12 eighty day time period and the director may grant such request by  
13 mutual agreement.

14 6. If the director determines that an air contaminant  
15 source does not meet the terms and conditions of the construction  
16 permit and that the operation of the source will result in  
17 emissions which exceed the limits established in the construction  
18 permit, he shall not validate the operating permit. If the  
19 source corrects the deficiency, the director shall then validate  
20 the operating permit. If the source is unable to correct the  
21 deficiency, then the director and the applicant may, by mutual  
22 agreement, add such terms and conditions to the operating permit  
23 which are deemed appropriate, so long as the emissions from the  
24 air contaminant source do not exceed the limits established in  
25 the construction permit, and the director shall validate the

1 operating permit. The director may add terms and conditions to  
2 the operating permit which allow the source to exceed the  
3 emission limits established in the construction permit. In such  
4 a case, the director shall notify the affected public and the  
5 commission shall, upon request by any affected person, hold a  
6 public hearing upon the revised operating permit application.

7 7. Except as provided in subsection 8 of this section, an  
8 operating permit shall be valid for five years from the date of  
9 issuance or validation, whichever is later, unless otherwise  
10 revoked or terminated pursuant to sections 643.010 to 643.190.

11 8. An applicant for a construction permit for an air  
12 contaminant source with valid operating permit may request that  
13 the air contaminant source be issued a new five-year operating  
14 permit. The operating permit would be issued in the manner and  
15 [under] pursuant to the conditions provided in sections 643.010  
16 to 643.190 and would supersede any existing operating permit for  
17 the source.

18 9. [The director shall take action within thirty days after  
19 a request for validation of the operating permit and shall render  
20 a decision within one hundred twenty days of receipt of a request  
21 for issuance of an operating permit for a class B source.] The  
22 director shall render a decision within the time period  
23 established in section 502 of the federal Clean Air Act, as  
24 amended, 42 U.S.C. 7661, for a class A source. Any affected  
25 person may appeal any permit decision, including failure to

1 render a decision within the time period established in this  
2 section, to the commission.

3 10. The director may suspend, revoke or modify an operating  
4 permit for cause.

5 11. The director shall not approve an operating permit if  
6 he receives an objection to approval of the permit from the  
7 United States Environmental Protection Agency within the time  
8 period specified [under] pursuant to Title V of the Clean Air  
9 Act, as amended, 42 U.S.C. 7661, et seq.

10 12. The director shall enforce all applicable federal  
11 rules, standards and requirements issued [under] pursuant to the  
12 federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq., and  
13 shall incorporate such applicable standards and any limitations  
14 established pursuant to Title III into operating permits as  
15 required [under] pursuant to Title V of the federal Clean Air  
16 Act, as amended, 42 U.S.C. 7661, et seq.

17 13. Applicable standards promulgated by the commission by  
18 rule shall be incorporated by the director into the operating  
19 permit of any air contaminant source which has, on the effective  
20 date of the rule, at least three years remaining before renewal  
21 of its operating permit. If less than three years remain before  
22 renewal of the source's operating permit, such applicable  
23 standards shall be incorporated into the permit unless the permit  
24 contains a shield from such new requirements consistent with  
25 Title V of the federal Clean Air Act, as amended, 42 U.S.C. 7661,



1 et seq.

2 14. The holder of a valid operating permit shall have  
3 operational flexibility to make changes to any air contaminant  
4 source, if the changes will not result in air contaminant  
5 emissions in excess of those established in the operating permit  
6 or result in the emissions of any air contaminant not previously  
7 emitted without obtaining a modification of the operating permit  
8 provided such changes are consistent with Section 502(b)(10) of  
9 the federal Clean Air Act, as amended, 42 U.S.C. 7661.

10 15. An air contaminant source with a valid operating permit  
11 which submits a complete application for a permit renewal at  
12 least six months prior to the expiration of the permit shall be  
13 deemed to have a valid operating permit until the director acts  
14 upon its permit application. The director shall promptly notify  
15 the applicant in writing of his action on the application and if  
16 the operating permit is not issued state the reasons therefor.

17 16. The applicant may appeal to the commission if an  
18 operating permit is not issued or may appeal any condition,  
19 suspension, modification or revocation of any permit by filing  
20 notice of appeal with the commission within thirty days of the  
21 notice of the director's response to the request for issuance of  
22 the operating permit.

23 17. Any person who obtains a valid operating permit from a  
24 city or county pursuant to the authority granted in section  
25 643.140 shall be deemed to have met the requirements of this

1 section.

2 644.016. When used in sections 644.006 to 644.141 and in  
3 standards, rules and regulations promulgated pursuant to sections  
4 644.006 to 644.141, the following words and phrases mean:

5 (1) "Aquaculture facility", a hatchery, fish farm, or other  
6 facility used for the production of aquatic animals that is  
7 required to have a permit pursuant to the federal Clean Water  
8 Act, as amended, 33 U.S.C. 1251 et seq.;

9 (2) "Commission", the clean water commission of the state  
10 of Missouri created in section 644.021;

11 (3) "Conference, conciliation and persuasion", a process of  
12 verbal or written communications consisting of meetings, reports,  
13 correspondence or telephone conferences between authorized  
14 representatives of the department and the alleged violator. The  
15 process shall, at a minimum, consist of one offer to meet with  
16 the alleged violator tendered by the department. During any such  
17 meeting, the department and the alleged violator shall negotiate  
18 in good faith to eliminate the alleged violation and shall  
19 attempt to agree upon a plan to achieve compliance;

20 (4) "Department", the department of natural resources;

21 (5) "Director", the director of the department of natural  
22 resources;

23 (6) "Discharge", the causing or permitting of one or more  
24 water contaminants to enter the waters of the state;

25 (7) "Effluent control regulations", limitations on the

1 discharge of water contaminants;

2 (8) "General permit", a permit written with a standard  
3 group of conditions and with applicability intended for a  
4 designated category of water contaminant sources that have the  
5 same or similar operations, discharges and geographical  
6 locations, and that require the same or similar monitoring, and  
7 that would be more appropriately controlled pursuant to a general  
8 permit rather than pursuant to a site-specific permit;

9 (9) "Human sewage", human excreta and wastewater, including  
10 bath and toilet waste, residential laundry waste, residential  
11 kitchen waste, and other similar waste from household or  
12 establishment appurtenances;

13 (10) "Income" includes retirement benefits, consultant  
14 fees, and stock dividends;

15 (11) "Minor violation", a violation which possesses a small  
16 potential to harm the environment or human health or cause  
17 pollution, was not knowingly committed, and is not defined by the  
18 United States Environmental Protection Agency as other than  
19 minor;

20 (12) "Permit by rule", a permit granted by rule, not by a  
21 paper certificate, and conditioned by the permit holder's  
22 compliance with commission rules;

23 (13) "Permit holders or applicants for a permit" shall not  
24 include officials or employees who work full time for any  
25 department or agency of the state of Missouri;

1           (14) "Person", any individual, partnership, copartnership,  
2       firm, company, public or private corporation, association, joint  
3       stock company, trust, estate, political subdivision, or any  
4       agency, board, department, or bureau of the state or federal  
5       government, or any other legal entity whatever which is  
6       recognized by law as the subject of rights and duties;

7           (15) "Point source", any discernible, confined and discrete  
8       conveyance, including but not limited to any pipe, ditch,  
9       channel, tunnel, conduit, well, discrete fissure, container,  
10      rolling stock, concentrated animal feeding operation, or vessel  
11      or other floating craft, from which pollutants are or may be  
12      discharged. This term does not include agricultural stormwater  
13      discharges and return flows from irrigated agriculture;

14          (16) "Pollution", such contamination or other alteration of  
15      the physical, chemical or biological properties of any waters of  
16      the state, including change in temperature, taste, color,  
17      turbidity, or odor of the waters, or such discharge of any  
18      liquid, gaseous, solid, radioactive, or other substance into any  
19      waters of the state as will or is reasonably certain to create a  
20      nuisance or render such waters harmful, detrimental or injurious  
21      to public health, safety or welfare, or to domestic, industrial,  
22      agricultural, recreational, or other legitimate beneficial uses,  
23      or to wild animals, birds, fish or other aquatic life;

24          (17) "Pretreatment regulations", limitations on the  
25      introduction of pollutants or water contaminants into publicly

1 owned treatment works or facilities which the commission  
2 determines are not susceptible to treatment by such works or  
3 facilities or which would interfere with their operation, except  
4 that wastes as determined compatible for treatment pursuant to  
5 any federal water pollution control act or guidelines shall be  
6 limited or treated pursuant to this chapter only as required by  
7 such act or guidelines;

8 (18) "Residential housing development", any land which is  
9 divided or proposed to be divided into three or more lots,  
10 whether contiguous or not, for the purpose of sale or lease as  
11 part of a common promotional plan for residential housing;

12 (19) "Sewer system", pipelines or conduits, pumping  
13 stations, and force mains, and all other structures, devices,  
14 appurtenances and facilities used for collecting or conducting  
15 wastes to an ultimate point for treatment or handling;

16 (20) "Significant portion of his or her income" shall mean  
17 ten percent of gross personal income for a calendar year, except  
18 that it shall mean fifty percent of gross personal income for a  
19 calendar year if the recipient is over sixty years of age, and is  
20 receiving such portion pursuant to retirement, pension, or  
21 similar arrangement;

22 (21) "Site-specific permit", a permit written for  
23 discharges emitted from a single water contaminant source and  
24 containing specific conditions, monitoring requirements and  
25 effluent limits to control such discharges;

1           (22) "Treatment facilities", any method, process, or  
2 equipment which removes, reduces, or renders less obnoxious water  
3 contaminants released from any source;

4           (23) "Water contaminant", any particulate matter or solid  
5 matter or liquid or any gas or vapor or any combination thereof,  
6 or any temperature change which is in or enters any waters of the  
7 state either directly or indirectly by surface runoff, by sewer,  
8 by subsurface seepage or otherwise, which causes or would cause  
9 pollution upon entering waters of the state, or which violates or  
10 exceeds any of the standards, regulations or limitations set  
11 forth in sections 644.006 to 644.141 or any federal water  
12 pollution control act, or is included in the definition of  
13 pollutant in such federal act;

14           (24) "Water contaminant source", the point or points of  
15 discharge from a single tract of property on which is located any  
16 installation, operation or condition which includes any point  
17 source defined in sections 644.006 to 644.141 [and nonpoint  
18 source pursuant to any federal water pollution control act],  
19 which causes or permits a water contaminant therefrom to enter  
20 waters of the state either directly or indirectly;

21           (25) "Water quality standards", specified concentrations  
22 and durations of water contaminants which reflect the  
23 relationship of the intensity and composition of water  
24 contaminants to potential undesirable effects;

25           (26) "Waters of the state", all rivers, streams, lakes and

1 other bodies of surface and subsurface water lying within or  
2 forming a part of the boundaries of the state which are not  
3 entirely confined and located completely upon lands owned, leased  
4 or otherwise controlled by a single person or by two or more  
5 persons jointly or as tenants in common and includes waters of  
6 the United States lying within the state.

7 644.051. 1. It is unlawful for any person:

8 (1) To cause pollution of any waters of the state or to  
9 place or cause or permit to be placed any water contaminant in a  
10 location where it is reasonably certain to cause pollution of any  
11 waters of the state;

12 (2) To discharge any water contaminants into any waters of  
13 the state which reduce the quality of such waters below the water  
14 quality standards established by the commission;

15 (3) To violate any pretreatment and toxic material control  
16 regulations, or to discharge any water contaminants into any  
17 waters of the state which exceed effluent regulations or permit  
18 provisions as established by the commission or required by any  
19 federal water pollution control act;

20 (4) To discharge any radiological, chemical, or biological  
21 warfare agent or high-level radioactive waste into the waters of  
22 the state.

23 2. It shall be unlawful for any person to build, erect,  
24 alter, replace, operate, use or maintain any water contaminant or  
25 point source in this state that is subject to standards, rules or

1 regulations promulgated pursuant to the provisions of sections  
2 644.006 to 644.141 unless such person holds a permit from the  
3 commission, subject to such exceptions as the commission may  
4 prescribe by rule or regulation. However, no permit shall be  
5 required of any person for any emission into publicly owned  
6 treatment facilities or into publicly owned sewer systems  
7 tributary to publicly owned treatment works.

8 3. Every proposed water contaminant or point source which,  
9 when constructed or installed or established, will be subject to  
10 any federal water pollution control act or sections 644.006 to  
11 644.141 or regulations promulgated pursuant to the provisions of  
12 such act shall make application to the director for a permit at  
13 least thirty days prior to the initiation of construction or  
14 installation or establishment. Every water contaminant or point  
15 source in existence when regulations or sections 644.006 to  
16 644.141 become effective shall make application to the director  
17 for a permit within sixty days after the regulations or sections  
18 644.006 to 644.141 become effective, whichever shall be earlier.  
19 The director shall promptly investigate each application, which  
20 investigation shall include such hearings and notice, and  
21 consideration of such comments and recommendations as required by  
22 sections 644.006 to 644.141 and any federal water pollution  
23 control act. If the director determines that the source meets or  
24 will meet the requirements of sections 644.006 to 644.141 and the  
25 regulations promulgated pursuant thereto, the director shall



1 issue a permit with such conditions as he or she deems necessary  
2 to ensure that the source will meet the requirements of sections  
3 644.006 to 644.141 and any federal water pollution control act as  
4 it applies to sources in this state. If the director determines  
5 that the source does not meet or will not meet the requirements  
6 of either act and the regulations pursuant thereto, the director  
7 shall deny the permit pursuant to the applicable act and issue  
8 any notices required by sections 644.006 to 644.141 and any  
9 federal water pollution control act. Notwithstanding the  
10 provisions of subsections 1 and 2 of this section to the  
11 contrary, notices of violation shall not be issued for a release  
12 of a water contaminant from an animal confinement facility or the  
13 animal waste application system, excluding lagoons, that is  
14 totally confined on the owner's property, so long as it does not  
15 enter waters of this state, and clean up begins within twenty-  
16 four hours and is remediated as soon as practicable.

17 4. Before issuing a permit to build or enlarge a water  
18 contaminant or point source or reissuing any permit, the director  
19 shall issue such notices, conduct such hearings, and consider  
20 such factors, comments and recommendations as required by  
21 sections 644.006 to 644.141 or any federal water pollution  
22 control act. The director shall determine if any state or any  
23 provisions of any federal water pollution control act the state  
24 is required to enforce, any state or federal effluent limitations  
25 or regulations, water quality-related effluent limitations,

1 national standards of performance, toxic and pretreatment  
2 standards, or water quality standards which apply to the source,  
3 or any such standards in the vicinity of the source, are being  
4 exceeded, and shall determine the impact on such water quality  
5 standards from the source. The director, in order to effectuate  
6 the purposes of sections 644.006 to 644.141, shall deny a permit  
7 if the source will violate any such acts, regulations,  
8 limitations or standards or will appreciably affect the water  
9 quality standards or the water quality standards are being  
10 substantially exceeded, unless the permit is issued with such  
11 conditions as to make the source comply with such requirements  
12 within an acceptable time schedule. Prior to the development or  
13 renewal of a general permit or permit by rule, for aquaculture,  
14 the director shall convene a meeting or meetings of permit  
15 holders and applicants to evaluate the impacts of permits and to  
16 discuss any terms and conditions that may be necessary to protect  
17 waters of the state. Following the discussions, the director  
18 shall finalize a draft permit that considers the comments of the  
19 meeting participants and post the draft permit on notice for  
20 public comment. The director shall concurrently post with the  
21 draft permit an explanation of the draft permit and shall  
22 identify types of facilities which are subject to the permit  
23 conditions. Affected public or applicants for new general  
24 permits, renewed general permits or permits by rule may request a  
25 hearing with respect to the new requirements in accordance with

1 this section. If a request for a hearing is received, the  
2 commission shall hold a hearing to receive comments on issues of  
3 significant technical merit and concerns related to the  
4 responsibilities of the Missouri clean water law. The commission  
5 shall conduct such hearings in accordance with this section.  
6 After consideration of such comments, a final action on the  
7 permit shall be rendered. The time between the date of the  
8 hearing request and the hearing itself shall not be counted as  
9 time elapsed pursuant to subdivision (1) of subsection 13 of this  
10 section.

11 5. The director shall grant or deny the permit within sixty  
12 days after all requirements of the Federal Water Pollution  
13 Control Act concerning issuance of permits have been satisfied  
14 unless the application does not require any permit pursuant to  
15 any federal water pollution control act. The director or the  
16 commission may require the applicant to provide and maintain such  
17 facilities or to conduct such tests and monitor effluents as  
18 necessary to determine the nature, extent, quantity or degree of  
19 water contaminant discharged or released from the source,  
20 establish and maintain records and make reports regarding such  
21 determination.

22 6. The director shall promptly notify the applicant in  
23 writing of his or her action and if the permit is denied state  
24 the reasons therefor. The applicant may appeal to the commission  
25 from the denial of a permit or from any condition in any permit

1 by filing notice of appeal with the commission within thirty days  
2 of the notice of denial or issuance of the permit. The  
3 commission shall set the matter for hearing not less than thirty  
4 days after the notice of appeal is filed. In no event shall a  
5 permit constitute permission to violate the law or any standard,  
6 rule or regulation promulgated pursuant thereto.

7 7. In any hearing held pursuant to this section the burden  
8 of proof is on the applicant for a permit. Any decision of the  
9 commission made pursuant to a hearing held pursuant to this  
10 section is subject to judicial review as provided in section  
11 644.071.

12 8. In any event, no permit issued pursuant to this section  
13 shall be issued if properly objected to by the federal government  
14 or any agency authorized to object pursuant to any federal water  
15 pollution control act unless the application does not require any  
16 permit pursuant to any federal water pollution control act.

17 9. Unless a site-specific permit is requested by the  
18 applicant, aquaculture facilities shall be governed by a general  
19 permit issued pursuant to this section with a fee not to exceed  
20 two hundred fifty dollars pursuant to subdivision (5) of  
21 subsection 6 of section 644.052. However, any aquaculture  
22 facility which materially violates the conditions and  
23 requirements of such permit may be required to obtain a  
24 site-specific permit.

25 10. No manufacturing or processing plant or operating

1 location shall be required to pay more than one operating fee.  
2 Operating permits shall be issued for a period not to exceed five  
3 years after date of issuance, except that general permits shall  
4 be issued for a five-year period, and also except that neither a  
5 construction nor an annual permit shall be required for a single  
6 residence's waste treatment facilities. Applications for renewal  
7 of an operating permit shall be filed at least one hundred eighty  
8 days prior to the expiration of the existing permit.

9 11. Every permit issued to municipal or any publicly owned  
10 treatment works or facility shall require the permittee to  
11 provide the clean water commission with adequate notice of any  
12 substantial new introductions of water contaminants or pollutants  
13 into such works or facility from any source for which such notice  
14 is required by sections 644.006 to 644.141 or any federal water  
15 pollution control act. Such permit shall also require the  
16 permittee to notify the clean water commission of any substantial  
17 change in volume or character of water contaminants or pollutants  
18 being introduced into its treatment works or facility by a source  
19 which was introducing water contaminants or pollutants into its  
20 works at the time of issuance of the permit. Notice must  
21 describe the quality and quantity of effluent being introduced or  
22 to be introduced into such works or facility by a source which  
23 was introducing water contaminants or pollutants into its works  
24 at the time of issuance of the permit. Notice must describe the  
25 quality and quantity of effluent being introduced or to be

1 introduced into such works or facility and the anticipated impact  
2 of such introduction on the quality or quantity of effluent to be  
3 released from such works or facility into waters of the state.

4 12. The director or the commission may require the filing  
5 or posting of a bond as a condition for the issuance of permits  
6 for construction of temporary or future water treatment  
7 facilities in an amount determined by the commission to be  
8 sufficient to ensure compliance with all provisions of sections  
9 644.006 to 644.141, and any rules or regulations of the  
10 commission and any condition as to such construction in the  
11 permit. The bond shall be signed by the applicant as principal,  
12 and by a corporate surety licensed to do business in the state of  
13 Missouri and approved by the commission. The bond shall remain  
14 in effect until the terms and conditions of the permit are met  
15 and the provisions of sections 644.006 to 644.141 and rules and  
16 regulations promulgated pursuant thereto are complied with.

17 13. (1) The department shall issue or deny applications  
18 for construction and site-specific operating permits received  
19 after January 1, 2001, within one hundred eighty days of the  
20 department's receipt of an application. For general construction  
21 and operating permit applications received after January 1, 2001,  
22 that do not require a public participation process, the  
23 department shall issue or deny the requested permits within sixty  
24 days of the department's receipt of an application.

25 (2) If the department fails to issue or deny with good

1 cause a construction or operating permit application within the  
2 time frames established in subdivision (1) of this subsection,  
3 the department shall refund the full amount of the initial  
4 application fee within forty-five days of failure to meet the  
5 established time frame. If the department fails to refund the  
6 application fee within forty-five days, the refund amount shall  
7 accrue interest at a rate established pursuant to section 32.065,  
8 RSMo.

9 (3) Permit fee disputes may be appealed to the commission  
10 within thirty days of the date established in subdivision (2) of  
11 this subsection. If the applicant prevails in a permit fee  
12 dispute appealed to the commission, the commission may order the  
13 director to refund the applicant's permit fee plus interest and  
14 reasonable attorney's fees as provided in sections 536.085 and  
15 536.087, RSMo. A refund of the initial application or annual fee  
16 does not waive the applicant's responsibility to pay any annual  
17 fees due each year following issuance of a permit.

18 (4) No later than December 31, 2001, the commission shall  
19 promulgate regulations defining shorter review time periods than  
20 the time frames established in subdivision (1) of this  
21 subsection, when appropriate, for different classes of  
22 construction and operating permits. In no case shall commission  
23 regulations adopt permit review times that exceed the time frames  
24 established in subdivision (1) of this subsection. The  
25 department's failure to comply with the commission's permit

1 review time periods shall result in a refund of said permit fees  
2 as set forth in subdivision (2) of this subsection. On a  
3 semiannual basis, the department shall submit to the commission a  
4 report which describes the different classes of permits and  
5 reports on the number of days it took the department to issue  
6 each permit from the date of receipt of the application and show  
7 averages for each different class of permits.

8 (5) During the department's technical review of the  
9 application, the department may request the applicant submit  
10 supplemental or additional information necessary for adequate  
11 permit review. The department's technical review letter shall  
12 contain a sufficient description of the type of additional  
13 information needed to comply with the application requirements.

14 (6) Nothing in this subsection shall be interpreted to mean  
15 that inaction on a permit application shall be grounds to violate  
16 any provisions of sections 644.006 to 644.141 or any rules  
17 promulgated pursuant to sections 644.006 to 644.141.

18 14. The department shall respond to all requests for  
19 individual certification under Section 401 of the Federal Clean  
20 Water Act within the lesser of sixty days or the allowed response  
21 period established pursuant to applicable federal regulations  
22 without request for an extension period unless such extension is  
23 determined by the commission to be necessary to evaluate  
24 significant impacts on water quality standards and the commission  
25 establishes a timetable for completion of such evaluation in a



1 period of no more than one hundred eighty days.

2 15. All permit fees generated pursuant to this chapter  
3 shall not be used for the development or expansion of total  
4 maximum daily loads studies on either the Missouri or Mississippi  
5 rivers.

6 644.052. 1. Persons with operating permits or permits by  
7 rule issued pursuant to this chapter shall pay fees pursuant to  
8 subsections 2 to 8 and 12 to 13 of this section. Persons with a  
9 sewer service connection to public sewer systems owned or  
10 operated by a city, public sewer district, public water district  
11 or other publicly owned treatment works shall pay a permit fee  
12 pursuant to subsections 10 and 11 of this section.

13 2. A privately owned treatment works or an industry which  
14 treats only human sewage shall annually pay a fee based upon the  
15 design flow of the facility as follows:

16 (1) One hundred dollars if the design flow is less than  
17 five thousand gallons per day;

18 (2) One hundred fifty dollars if the design flow is equal  
19 to or greater than five thousand gallons per day but less than  
20 six thousand gallons per day;

21 (3) One hundred seventy-five dollars if the design flow is  
22 equal to or greater than six thousand gallons per day but less  
23 than seven thousand gallons per day;

24 (4) Two hundred dollars if the design flow is equal to or  
25 greater than seven thousand gallons per day but less than eight

1 thousand gallons per day;

2 (5) Two hundred twenty-five dollars if the design flow is  
3 equal to or greater than eight thousand gallons per day but less  
4 than nine thousand gallons per day;

5 (6) Two hundred fifty dollars if the design flow is equal  
6 to or greater than nine thousand gallons per day but less than  
7 ten thousand gallons per day;

8 (7) Three hundred seventy-five dollars if the design flow  
9 is equal to or greater than ten thousand gallons per day but less  
10 than eleven thousand gallons per day;

11 (8) Four hundred dollars if the design flow is equal to or  
12 greater than eleven thousand gallons per day but less than twelve  
13 thousand gallons per day;

14 (9) Four hundred fifty dollars if the design flow is equal  
15 to or greater than twelve thousand gallons per day but less than  
16 thirteen thousand gallons per day;

17 (10) Five hundred dollars if the design flow is equal to or  
18 greater than thirteen thousand gallons per day but less than  
19 fourteen thousand gallons per day;

20 (11) Five hundred fifty dollars if the design flow is equal  
21 to or greater than fourteen thousand gallons per day but less  
22 than fifteen thousand gallons per day;

23 (12) Six hundred dollars if the design flow is equal to or  
24 greater than fifteen thousand gallons per day but less than  
25 sixteen thousand gallons per day;

1           (13) Six hundred fifty dollars if the design flow is equal  
2 to or greater than sixteen thousand gallons per day but less than  
3 seventeen thousand gallons per day;

4           (14) Eight hundred dollars if the design flow is equal to  
5 or greater than seventeen thousand gallons per day but less than  
6 twenty thousand gallons per day;

7           (15) One thousand dollars if the design flow is equal to or  
8 greater than twenty thousand gallons per day but less than  
9 twenty-three thousand gallons per day;

10          (16) Two thousand dollars if the design flow is equal to or  
11 greater than twenty-three thousand gallons per day but less than  
12 twenty-five thousand gallons per day;

13          (17) Two thousand five hundred dollars if the design flow  
14 is equal to or greater than twenty-five thousand gallons per day  
15 but less than thirty thousand gallons per day;

16          (18) Three thousand dollars if the design flow is equal to  
17 or greater than thirty thousand gallons per day but less than one  
18 million gallons per day; or

19          (19) Three thousand five hundred dollars if the design flow  
20 is equal to or greater than one million gallons per day.

21          3. Persons who produce industrial process wastewater which  
22 requires treatment and who apply for or possess a site-specific  
23 permit shall annually pay:

24          (1) Five thousand dollars if the industry is a class IA  
25 animal feeding operation as defined by the commission; or

1           (2) For facilities issued operating permits based upon  
2 categorical standards pursuant to the Federal Clean Water Act and  
3 regulations implementing such act:

4           (a) Three thousand five hundred dollars if the design flow  
5 is less than one million gallons per day; or

6           (b) Five thousand dollars if the design flow is equal to or  
7 greater than one million gallons per day.

8           4. Persons who apply for or possess a site-specific permit  
9 solely for industrial storm water shall pay an annual fee of:

10           (1) One thousand three hundred fifty dollars if the design  
11 flow is less than one million gallons per day; or

12           (2) Two thousand three hundred fifty dollars if the design  
13 flow is equal to or greater than one million gallons per day.

14           5. Persons who produce industrial process wastewater who  
15 are not included in subsection 2 or 3 of this section shall  
16 annually pay:

17           (1) One thousand five hundred dollars if the design flow is  
18 less than one million gallons per day; or

19           (2) Two thousand five hundred dollars if the design flow is  
20 equal to or greater than one million gallons per day.

21           6. Persons who apply for or possess a general permit shall  
22 pay:

23           (1) Three hundred dollars for the discharge of storm water  
24 from a land disturbance site;

25           (2) Fifty dollars annually for the operation of a chemical

1 fertilizer or pesticide facility;

2 (3) One hundred fifty dollars for the operation of an  
3 animal feeding operation or a concentrated animal feeding  
4 operation;

5 (4) One hundred fifty dollars annually for new permits for  
6 the discharge of process water or storm water potentially  
7 contaminated by activities not included in subdivisions (1) to  
8 (3) of this subsection. Persons paying fees pursuant to this  
9 subdivision with existing general permits on August 27, 2000, and  
10 persons paying fees pursuant to this subdivision who receive  
11 renewed general permits on the same facility after August 27,  
12 2000, shall pay sixty dollars annually;

13 (5) Up to two hundred fifty dollars annually for the  
14 operation of an aquaculture facility.

15 7. Requests for modifications to state operating permits on  
16 entities that charge a service connection fee pursuant to  
17 subsection 10 of this section shall be accompanied by a two  
18 hundred dollar fee. The department may waive the fee if it is  
19 determined that the necessary modification was either initiated  
20 by the department or caused by an error made by the department.

21 8. Requests for state operating permit modifications other  
22 than such requests associated with a construction permit  
23 application and those described in subsection 7 of this section  
24 shall be accompanied by a fee equal to twenty-five percent of the  
25 annual operating fee assessed for the facility pursuant to this

1 section. The department may waive the fee if it is determined  
2 that the necessary modification was either initiated by the  
3 department or caused by an error made by the department.

4 9. Persons requesting water quality certifications in  
5 accordance with Section 401 of the Federal Clean Water Act shall  
6 pay a fee of seventy-five dollars and shall submit the standard  
7 application form for a Section 404 permit as administered by the  
8 U.S. Army Corps of Engineers or similar information required for  
9 other federal licenses and permits, except that the fee is waived  
10 for water quality certifications issued and accepted for  
11 activities authorized pursuant to a general permit or nationwide  
12 permit by the U.S. Army Corps of Engineers.

13 10. Persons with a direct or indirect sewer service  
14 connection to a public sewer system owned or operated by a city,  
15 public sewer district, public water district, or other publicly  
16 owned treatment works shall pay an annual fee per water service  
17 connection as provided in this subsection. Customers served by  
18 multiple water service connections shall pay such fee for each  
19 water service connection, except that no single facility served  
20 by multiple connections shall pay more than a total of seven  
21 hundred dollars per year. The fees provided for in this  
22 subsection shall be collected by the agency billing such customer  
23 for sewer service and remitted to the department. The fees may  
24 be collected in monthly, quarterly or annual increments, and  
25 shall be remitted to the department no less frequently than

1 annually. The fees collected shall not exceed the amounts  
2 specified in this subsection and, except as provided in  
3 subsection 11 of this section, shall be collected at the  
4 specified amounts unless adjusted by the commission in rules.  
5 The annual fees shall not exceed:

6 (1) For sewer systems that serve more than thirty-five  
7 thousand customers, forty cents per residential customer as  
8 defined by the provider of said sewer service until such time as  
9 the commission promulgates rules defining the billing procedure;

10 (2) For sewer systems that serve equal to or less than  
11 thirty-five thousand but more than twenty thousand customers,  
12 fifty cents per residential customer as defined by the provider  
13 of said sewer service until such time as the commission  
14 promulgates rules defining the billing procedure;

15 (3) For sewer systems that serve equal to or less than  
16 twenty thousand but more than seven thousand customers, sixty  
17 cents per residential customer as defined by the provider of said  
18 sewer service until such time as the commission promulgates rules  
19 defining the billing procedure;

20 (4) For sewer systems that serve equal to or less than  
21 seven thousand but more than one thousand customers, seventy  
22 cents per residential customer as defined by the provider of said  
23 sewer service until such time as the commission promulgates rules  
24 defining the billing procedure;

25 (5) For sewer systems that serve equal to or less than one

1 thousand customers, eighty cents per residential customer as  
2 defined by the provider of said sewer service until such time as  
3 the commission promulgates rules defining the billing procedure;

4 (6) Three dollars for commercial or industrial customers  
5 not served by a public water system as defined in chapter 640,  
6 RSMo;

7 (7) Three dollars per water service connection for all  
8 other customers with water service connections of less than or  
9 equal to one inch excluding taps for fire suppression and  
10 irrigation systems;

11 (8) Ten dollars per water service connection for all other  
12 customers with water service connections of more than one inch  
13 but less than or equal to four inches, excluding taps for fire  
14 suppression and irrigation systems;

15 (9) Twenty-five dollars per water service connection for  
16 all other customers with water service connections of more than  
17 four inches, excluding taps for fire suppression and irrigation  
18 systems.

19 11. Customers served by any district formed pursuant to the  
20 provisions of section 30(a) of article VI of the Missouri  
21 Constitution shall pay the fees set forth in subsection 10 of  
22 this section according to the following schedule:

23 (1) From August 28, 2000, through September 30, 2001,  
24 customers of any such district shall pay fifty percent of such  
25 fees; and



1           (2) Beginning October 1, 2001, customers of any such  
2 districts shall pay one hundred percent of such fees.

3           12. Persons submitting a notice of intent to operate  
4 pursuant to a permit by rule shall pay a filing fee of  
5 twenty-five dollars.

6           13. For any general permit issued to a state agency for  
7 highway construction pursuant to subdivision (1) of subsection 6  
8 of this section, a single fee may cover all sites subject to the  
9 permit.

10           644.145. 1. The commission shall develop criteria to  
11 determine "per capita average cost" for construction and  
12 operation of a wastewater or drinking water facility by an  
13 assessment of the records and financial cost for similar projects  
14 or facilities in this state within the previous seven years.

15           2. After the commission has developed a criteria for a "per  
16 capita average cost", the commission shall develop criteria to  
17 compensate the engineer or engineer firm for design and  
18 construction of wastewater or drinking water facilities which are  
19 lower than such per capita cost average as set forth pursuant to  
20 section 640.620, RSMo.

21           3. Any rule or portion of a rule, as that term is defined  
22 in section 536.010, RSMo, that is created under the authority  
23 delegated in this section shall become effective only if it  
24 complies with and is subject to all of the provisions of chapter  
25 536, RSMo, and, if applicable, section 536.028, RSMo. This

1 section and chapter 536, RSMo, are nonseverable and if any of the  
2 powers vested with the general assembly pursuant to chapter 536,  
3 RSMo, to review, to delay the effective date, or to disapprove  
4 and annul a rule are subsequently held unconstitutional, then the  
5 grant of rulemaking authority and any rule proposed or adopted  
6 after August 28, 2003, shall be invalid and void.

7 644.581. In addition to those sums authorized prior to  
8 August 28, 2004, the board of fund commissioners of the state of  
9 Missouri, as authorized by section 37(e) of article III of the  
10 Constitution of the state of Missouri, may borrow on the credit  
11 of this state the sum of ten million dollars in the manner  
12 described, and for the purposes set out, in chapter 640, RSMo,  
13 and this chapter.

14 644.582. In addition to those sums authorized prior to  
15 August 28, 2004, the board of fund commissioners of the state of  
16 Missouri, as authorized by section 37(g) of article III of the  
17 Constitution of the state of Missouri, may borrow on the credit  
18 of this state the sum of ten million dollars in the manner  
19 described, and for the purposes set out, in chapter 640, RSMo,  
20 and in this chapter.

21 644.583. In addition to those sums authorized prior to  
22 August 28, 2004, the board of fund commissioners of the state of  
23 Missouri, as authorized by section 37(h) of article III of the  
24 Constitution of the state of Missouri, may borrow on the credit  
25 of this state the sum of twenty million dollars in the manner

1 described, and for the purposes set out, in chapter 640, RSMo,  
2 and in this chapter.

3 Section 1. 1. In letting contracts for the performance of  
4 any job or service for the removal or clean up of waste tires  
5 pursuant to chapter 260, RSMo, the department of natural  
6 resources shall, in addition to the requirements of sections  
7 34.073 and 34.076, RSMo, and any other points awarded during the  
8 evaluation process, give to any vendor that meets one or more of  
9 the following factors a five percent preference and ten bonus  
10 points for each factor met:

11 (1) The bid is submitted by a vendor that has resided or  
12 maintained its headquarters or principal place of business in  
13 Missouri continuously for the four years immediately preceding  
14 the date on which the bid is submitted;

15 (2) The bid is submitted by a nonresident corporation  
16 vendor that has an affiliate or subsidiary that employs at least  
17 twenty state residents and has maintained its headquarters or  
18 principal place of business in Missouri continuously for the four  
19 years immediately preceding the date on which the bid is  
20 submitted;

21 (3) The bid is submitted by a vendor that resides or  
22 maintains its headquarters or principal place of business in  
23 Missouri and, for the purposes of completing the bid project and  
24 continuously over the entire term of the project, an average of  
25 at least seventy-five percent of such vendor's employees are

1 Missouri residents who have resided in the state continuously for  
2 at least two years immediately preceding the date on which the  
3 bid is submitted. Such vendor must certify the residency  
4 requirements of this subdivision and submit a written claim for  
5 preference at the time the bid is submitted;

6 (4) The bid is submitted by a nonresident vendor that has  
7 an affiliate or subsidiary that employs at least twenty state  
8 residents and has maintained its headquarters or principal place  
9 of business in Missouri and, for the purposes of completing the  
10 bid project and continuously over the entire term of the project,  
11 an average of at least seventy-five percent of such vendor's  
12 employees are Missouri residents who have resided in the state  
13 continuously for at least two years immediately preceding the  
14 date on which the bid is submitted. Such vendor must certify the  
15 residency requirements of this subdivision and submit a written  
16 claim for preference at the time the bid is submitted;

17 (5) The bid is submitted by any vendor that provides  
18 written certification that the end use of the tires collected  
19 during the project will be for fuel purposes or for the  
20 manufacture of a useable good or product.

21 2. For purposes of receiving bid preferences pursuant to  
22 this section, the manufacture of usable goods or products shall  
23 include, but not be limited to, energy recovery fuel chips,  
24 alternate daily cover, civil drainage media, playground chips,  
25 and crumb rubber, all as commonly understood in the waste tire

1       disposal industry.

2       [319.137. Rules and regulations promulgated  
3       by the United States Environmental Protection  
4       Agency under subtitle I of the federal  
5       Resource Conservation Recovery Act of 1976  
6       (P.L. 94-580), as amended, may be adopted by  
7       the department by reference. The department  
8       may adopt rules and regulations that are more  
9       stringent than those issued by the United  
10      States Environmental Protection Agency if  
11      such rules or regulations are necessary to  
12      protect human health or the environment. Any  
13      such rule shall be adopted only after due  
14      notice and public hearing in accordance with  
15      the provisions of this section, chapter 536,  
16      RSMo, and chapter 644, RSMo. No rule or  
17      portion of a rule promulgated under the  
18      authority of sections 319.100 to 319.139  
19      shall become effective unless it has been  
20      promulgated pursuant to the provisions of  
21      section 536.024, RSMo.]